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EMBATTLED VETERANS

I. The Capture of Capitol Hill

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I NEVER have had much sympathy,' said Senator Williams of Mississippi, speaking on August 1, 1919, before the first session of the Sixty-sixth Congress, 'with mixing up money and patriotism. . . . I do believe that every community, no matter how poor, ought to take care of those who in the service of their country have become crippled or otherwise disabled; but I cannot find it in my heart to approve of any system that calls upon the citizens of a country to come pretty near bankrupting themselves because you or I or somebody else had been called into the service and did his duty in the service. . . .

'I cannot speak for all the soldiers coming back,' the Senator went on, 'but I do hope that our boys, having made a magnificent record in Europe for courage, fortitude, good nature, and enthusiasm . . . are not coming back with the idea of bankrupting the United States Treasury. Of course, if they want to do that, they can do it; they have the votes; they can effect the necessary organization; they can influence politicians; they can make every member of the Senate and the House come up to the lick log, and, if they want to, they can literally bankrupt the government; but I do not believe they want to do it.'

Not quite fourteen years later, in March 1933, President Franklin Roosevelt said to Congress: 'For three long years the Federal Government has been on the road to bankruptcy.' His message went on to state the deficits since 1931, including the deficit estimated for the fiscal year 1934. 'Thus,' he said, 'we shall have piled up an accumulated deficit of five billion dollars.'

The President's message was short and direct. In it he asked, first, for legislation to reduce veteran costs, and, secondly, for reductions in Federal salaries. Congress responded with a bill 'to maintain the credit of the

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United States Government.' This bill made possible a cut of about three hundred million dollars in the annual cost of World War veterans.

It must have been a sad disappointment to Senator Williams, who did not believe the boys wanted it, to see the fulfillment of his tentative prophecy. But it must have surprised even such prophets as he to see the extent to which it has worked out. The darkest prophets of 1919 could not foresee that in fourteen years these boys of the World War would have cost the people of the United States the startling sum of five and a half billion dollars.

Senator Williams was speaking in the full flush of the post-war enthusiasm. American soldiers were still in Europe. The country resounded with the bands, the acclaim, the cheers, that greeted the returning transports. Public men fell over each other to grasp the hands of the conquering doughboys, Congress rang with their praise. 'I say "All hail,"' shouted Congressman Goodykoontz from the floor of the House, '"all hail" to the American veterans of the great World War! There is nothing too good for them.'

Yet Senator Williams was probably right. The boys did not want it. They were not, at the moment, ordinary boys. They were men animated by special ideals. They had been fighting not only for the defense of their country but for such abstractions as the safety of democracy and world peace. Most of them, with these ideals still quick in them, had not been able to fight; the war had stopped too soon, keeping them at home. Such men as these had no desire to bankrupt the government which they had saved.

But, at the moment the Senator was speaking, there was in process of formation an organization so powerful that it would shortly take these matters out of the hands of any individual. Organizations can do things which individuals cannot or will not do. In the summer of 1919, the will and the power of the World War veterans were taken over by the American Legion.

II

It was not until 1931 that the American people, harassed by a year of economic uncertainty, awoke to the fact that the government was passing from their hands into the hands of a few minority dictatorships. For years, under the cover of prosperity, the lobbies in Washington, abetted by Congresses which were half ambitious and half afraid, had been growing to despotism. Some of the lobbies were, from the start, the tools of selfish interests; others had begun by representing a popular cause and had continued after the cause had ceased to be popular because the lobbyists were reluctant to give up their jobs.

In 1931, two minority dictatorships stood out for the magnitude of their power. The Anti-Saloon League lobby, which for years had indirectly placed in the pockets of a small criminal class vast wealth that should have been enjoyed by the Treasury, was beginning to lose its grip. The dictatorship of the World War veterans, which, for still longer, had directed several hundred millions a year of the public money toward less than one per cent of the population, had not yet reached its pinnacle. Both these lobbies had begun in zeal for what they believed to be a moral or a patriotic cause.

We are not concerned here with the dictatorship of the Anti-Saloon League. It is now in process of being beaten by a majority of the people. No doubt all such lobbies will be so beaten in the end. Yet only in these last months, while popular referendums have come in avalanches to startle Senators and

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Representatives who were still dry-voting, has the unsuspected power of the majority been fully revealed. At last seeing the deception, perhaps the legislators will be less fearful, in future, of the other menacing figures who move through the halls of the Capitol. They may, in time, grow skeptical even of the despotic lobbyists of the veterans and doubt the traditional power of the veteran vote.

It is with the minority dictatorship of the World War veterans that we are here concerned — how it started, how it grew, what its methods were, how in the end it effected the capture of Capitol Hill. Where does the responsibility lie? Why was it that patriotic soldiers, returning from a war in which they believed they had saved their government, should fight for fourteen years to capture that government, bind it hand and foot, and reduce it, at last, to financial instability?

These sound like difficult questions. The answers, however, are simple. They require only the most elementary understanding of politics and human nature.

III

We must go back, now, to 1919. In August, at the moment of Senator Williams's speech against a soldier bonus, a bill was pending in Congress to incorporate a patriotic, nonpolitical society called the American Legion — to give it, in short, a national charter. It is only by understanding the American Legion — its structure and the peculiar circumstances which predestined it to political activity in spite of any nonpolitical clause it might write into its constitution — that we can understand the capture of Capitol Hill by the veteran minority.

The Legion began in France. A Paris 'caucus' in March after the Armistice was attended by delegates from the whole A.E.F. The Paris caucus moved between enthusiasm and suspicion. There were skeptics who dreaded another G.A.R. The soldiers suspected the officers, and both suspected politics. But the caucus, in the end, conducted as it was by idealistic and able men, resolved the doubts.

If the Legion had confined itself to the boys in France, it might, conceivably, have held aloof from political activity. But while there were two million soldiers in France, there were two million others who had never got to France. These men in America were certainly animated by the same patriotism; they were merely 'out of luck' because the war had stopped too soon. 'Let them in!' shouted the Paris caucus. So organizers were sent home posthaste to organize the Legion in America. This second organization culminated in the celebrated St. Louis Caucus of May 1919.

Thus the new society of World War veterans offered membership to anyone who had worn the uniform of the United States at any time or place during the war. Its structure, therefore, fitted like a glove over the structure of the selective draft. And the selective draft had fitted almost like a glove over the system by which voters elect their Congressmen.

The draft had operated through local boards, one for each county or for each thirty thousand of city population. From each electorate, then, a bloc of voters (aged twenty-one to thirty) went into the service. When these men entered the army, they had different trades, prejudices, and political penchants. The army leveled out these differences. It put the men in uniform so that they were hardly distinguishable one from another. It made them act in unison, tried even to make them think alike. When the war was over and the soldiers came back to

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their communities, they were inclined to vote alike, too. When they came home they were no longer Republicans, Democrats, or Socialists; they were Veterans.

Furthermore, when they came home, they were looked up to by those who had remained, because of the mysterious adventure they had been through. They may never have got beyond a training camp or a typewriter in an ordnance office; nevertheless they had marched away behind a band, and they had been absent for a while from the home circle. They had eaten white bread and sugar of which the civilians had deprived themselves. So when they returned they were persons of influence, and each of them therefore added two or three votes to the veteran bloc.

In time these men would have drifted back to old parties and old prejudices. They would have forgotten more and more the war which had held them for a short time in bond. But immediately along came the Legion. 'Let's stick together,' said the Legion. 'Let us perpetuate the memories and incidents of our association in the Great War.' So the Legion solidified the blocs and created what has since been called 'the veteran vote.'

In organizing the men who had stayed in America, the Legion went a step further toward politics than the selective draft. It operated frankly through Congressional districts, not because this was political, but because it was convenient. It could not operate through army or navy units, as the French organization had done, because the units here were already demobilized.

IV

No sooner had the applause of the St. Louis caucus over the nonpolitical article in the Legion's constitution died down than the caucus decided to apply to Congress for a charter in the District of Columbia. The Executive Committee thought it wise to send this application to Washington in the care of a group of men whom they called the Legislative Committee.

To head this committee they appointed two widely known politicians — Luke Lea, ex-Senator, of Tennessee, and Thomas W. Miller, ex-Congressman, of Delaware. These men turned out later to have been unfortunate choices as representatives of an idealistic and nonpolitical society,[1] but both had fine war records and both were well equipped to introduce the Legion to Congress.

Congress welcomed the Legislative Committee with open arms. Behind the infant Legion, many Senators and Representatives saw the veteran vote, theirs for the asking. They saw, too, an efficient medium of liaison in the amateur Legislative Committee — especially if, later, it should become professional. Some doubted, fearing, like Senator Williams, that danger lay ahead. Others felt only a sentiment of gratitude to the saviors of the country.

The Judiciary Committee of the House reported on the charter bill, recommending not a mere charter in the District of Columbia, but a national incorporation for the American Legion. 'While Congress has been loath,' the report read, 'to grant special charters, it is believed that this should be an exception to the rule. . . . The committee is of the opinion that . . . the society should be made a cor-

[1] In 1927, Thomas W. Miller was convicted of conspiracy to defraud the United States Government during his tenure of office as Alien Property Custodian. He was sentenced to eighteen months in prison and fined $5000. In 1931, Luke Lea was convicted of fraud in connection with a bank failure and sentenced to from six to ten years. — AUTHOR

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poration of the United States and not of the District. The object of the corporation is national in scope.'

The bill went through without a struggle. In it appeared part of the Legion's constitution and a section prohibiting the Legion from taking part in political activities.

So little effort was required from Messrs. Lea and Miller that, during their stay in Washington, they had plenty of spare time. They were able to receive and return visits from Senators and Congressmen and explain to the legislators what the Legion was and what the boys were likely to want. The Congressmen made suggestions. The bonus, for instance, had come up many times since the Armistice. It was being debated at that moment in the Senate. 'Various Congressmen,' a later Legion report admits, 'began to demand an expression of opinion . . . on the attitude of the Legion toward such legislation.'

The amateur Legislative Committee was embarrassed by the question. The St. Louis caucus had looked with scorn on the idea of a bonus, and a resolution about it had been laid on the table. 'The thunderous "Aye" which tabled this resolution,' says George Seay Wheat in his *Story of the American Legion*, 'might well be recorded in letters of gold.' So the Legislative Committee could not answer, though they thought the resolution might be picked up again from the table and considered by the first national convention in the fall.

But the members of Congress were insistent. There were other things? Yes — retirement of officers; reëmployment of veterans who had lost their jobs; soldiers' preference. The committee would think over these things; meanwhile, they thanked Congress for its solicitude.

The amateur committee went home. They told the Executive Committee of the warm welcome of Congress. The Executive Committee thought it would be wise to make the Legislative Committee permanent.

In November, then, the first national convention transformed the amateur committee into a professional committee, instructed them to return to Washington, establish offices there, and be paid for their services. The convention also loaded them down with work — to such extent, in fact, that in the following year they caused no less than 473 bills to be introduced in Congress.

Thus began, in the winter of 1919, the World War veterans' lobby.

V

The capture of Capitol Hill was not, really, a capture by battle. It was, rather, a slow invasion. Congress invited it. Congress opened the doors to the veterans, overcame their shyness. There was only an occasional battle, brought about by sporadic resistance.

The National Legislative Committee went to work immediately after the first National Convention. They adopted as their motto: —

FOR GOD AND COUNTRY
SERVICE TO THE DISABLED MAN
SERVICE TO THE EX-SERVICE MAN

Except for a few extraneous matters such as the abrogation of the Gentlemen's Agreement with Japan, the punishment of conscientious objectors, and the deportation of alien slackers, they concentrated on the ex-soldiers. A vivid account of their activities is given in an official Legion booklet called the *Manual for American Legion Speakers*. 'The Legion,' says this picturesque manual, '. . . has extracted from Congress . . . in one year more than the Yanks of '61–'65 were able to get in

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thirty years and more than the Spanish-American War veterans in ten.'

There is, in fact, no record of a lobby working on such a scale, getting under way so quickly. Almost immediately the lobbyists were at home in the office of every Senator and Congressman. They investigated and tabulated the record of every legislator and sounded him out on his attitude toward the veterans. On the doubtful ones they kept a constant watch.

At hearings on veteran bills they were always represented, calling in their own experts to give testimony. They made an intensive study of parliamentary procedure so that they could pick the proper moment to introduce a bill or to bring it out of committee and have it voted on with as little debate as possible.

'Since 1921,' a member of the Legislative Committee told me, 'no Legion measure has passed in the House except under suspension of the rules.'

When Thomas W. Miller was appointed Alien Property Custodian, his work was taken over by Colonel John Thomas Taylor, whose detailed knowledge of parliamentary method might well be envied by everyone in Congress. To save the time of the legislators, Colonel Taylor wrote, himself, the bills he wished to have introduced. Hundreds of these have become law without material change. He then chose the Senator or Representative (usually a Legionnaire, for Congress has always been abundantly dotted with members of the Legion) to introduce them.

Colonel Taylor was not feared in those days as he is now. Rather he was smiled at, welcomed, greeted with sincere cordiality. This was, first, because there was no public opposition to his measures; second, because the Legion behind him was still an infant.

It was a sturdy infant, to be sure, and growing rapidly in size, organization, and discipline. The lowest unit was the post. Over the posts were the departments, one for each state. Over the departments stood the Executive Committee, composed of the National Commander, five National Vice-Commanders, and representatives from the departments. Over all — presumably — was the National Convention, which met annually and represented the great body of the Legion. But as the convention met only once a year, and grew, as the years went on, more riotous, most of the serious business was done quietly, between conventions, by the steam roller — the Executive Committee.

The theoretical procedure was this: The posts passed resolutions and sent them to their department. If the department liked them, it passed them at its local convention and sent them up to the National Convention. If the National Convention liked them, it adopted them, and, if they required laws, handed them to the Legislative Committee, which introduced them in Congress — and the Congress of the United States then passed them whether it liked them or not. Thus the resolutions of the posts became the law of the land. In practice, this procedure has often worked in reverse, in that the resolutions were first suggested to the posts by the Executive Committee — often at a hint from the lobby.

In the first years, however, Congress liked the laws, and, in many instances, it was right in liking them. The first laws put through by the lobby included the excellent Sweet Bill (establishing the Veterans Bureau), a generous appropriation for hospitalization, an appropriation for vocational training, an act requiring an investigation of the Federal Board of Education, several homesteading laws, and a law opening 30,000 acres of Oregon land to veterans. These acts helped the dis-

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abled and the men who had been thrown out of work. The cost was comparatively small.

The first real battle of Congress versus the Legion came over adjusted compensation — no longer called the bonus. This and one other were the only two hard-fought engagements in the capture of Capitol Hill. The American Legion won them both.

VI

There were several reasons why, in 1923, the lobby should have pressed harder for the bonus than it had done in 1919.

In the first place, by 1923, the lobby's first duty — to the disabled — had been adequately fulfilled. The war casualties had been luxuriously cared for, and medical 'presumption' had been stretched to cover all the doubtful cases. So in this direction there was nothing more for the lobby to do.

In the second place, Legion headquarters was seriously alarmed over loss of membership. The official report gives total membership in 1920 as 814,512. (There is a slight divergence of figures between different publications of the Legion, for the *American Legion Dictionary of Facts* gives the 1920 total as two and a half million.) Assuming the official report to be correct, there was a falling off of 44,000 in 1921. Yet in this year the lobby had worked hard: 333 bills had been introduced in Congress, and the cost to the government of World War veterans had jumped from 146 to 317 millions. In 1922 there was a sinister drop in membership of 72,000. In this year World War veteran benefits increased to 452 millions. In 1923, the membership fell again, to 629,000 — less than a sixth of the number eligible.

In many ways these successive decreases were not to be wondered at. Most of the boys were back at work and engrossed in the occupations of peace. They had grown tired of preserving 'memories and incidents,' especially since, with many Legionnaires, those incidents had been confined to a few months of training. And most Legionnaires were healthy men who had no personal interest in the disabled, so that the intricacies of compensation laws and the presumption of war-connected tuberculosis or shell-shock did not hold their attention.

The bonus was another matter. Almost everyone would be eligible for a bonus. The first repugnance, the fear of becoming mercenaries, the reluctance to 'sandbag' the government, as Colonel Roosevelt had put it, had been largely overcome by a campaign of education conducted by the Executive Committee. It had been made clear that, in spite of government allotments made during the war to the families of service men, these families had suffered from reduction of income while the breadwinners were away fighting for their country. It had also been made clear that other men, not soldiers, had earned fabulous wages in munitions factories and so on, and that the railroads and other businesses had been reimbursed for their war losses. The poor soldier, meantime, had got nothing but his $30 a month, plus $15 for his family, plus food, clothing, and doctors, plus insurance at peace-time rates, and the privilege of sacrifice for the defense of his birthright.

Each year at the convention, the bonus resolution had been more exigent. Yet Congress, which had started the bonus idea, seemed now to become more wary with each new resolution. One bill, which passed with a large majority in the House, died in a Senate committee. All the efforts of the lobby could not save it.

One reason for this Senatorial change

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of heart was that there was apparently dissension in the Legion itself on the bonus question. Posts here and there had asserted themselves independently.

'Whereas,' said a Minnesota post, disregarding Legion discipline and sending a resolution direct to its Senator, 'whereas the Government of the United States already is burdened with excessive war debts causing great public unrest: Therefore be it

'*Resolved* that the Wallace S. Chute Post No. 76 of the American Legion express itself as opposed to the American Legion being put in the position of asking for such a bonus. . . .'

And 'Whereas,' came another, 'the American Legion was conceived in a spirit of patriotism for all things American . . . now therefore be it

'*Resolved*, that Cheyenne Post No. 6 . . . unequivocally repudiates the idea that the services of the soldiers and sailors and marines who served in the Great War can be measured by dollars and cents and declares it to be the sentiment of said Post that no such bill . . . should receive favorable consideration at the hands of Congress. . . .'

A little more than a year after the Senate heard these two renegade resolutions and others, the National Commander of the Legion announced that not only the Legion but ex-service men in general were 'unanimously' for adjusted compensation, so those posts must have become convinced in the meantime along with some three and a half million non-Legionnaires. Still Congress demurred.

A second reason for the doubts in Congress was that some of the other lobbies were at work. Big Business, which originally had fostered the Legion as a bulwark against Bolshevism, had turned against it. The powerful Chamber of Commerce and the powerful Manufacturers' Association and the National Industrial Conference Board, in a panic about taxes, were flooding the country and the Congress with anti-bonus propaganda.

So, when Congress convened on December 3, 1923, the lobby was harassed. Pressed on one side by the National Headquarters, fearful of loss of membership, and on the other by Congress, the lobbyists had to gird up their loins in a hurry.

'Your National Legislative Committee,' it reported later, 'had discarded all the polls of the House of Representatives and the Senate which it had made during the year past. A recheck of the attitude of each Senator and Congressman was necessary following the deluge of anti-adjusted compensation propaganda. This recheck was accomplished through Department Headquarters and Department leaders . . . through other Senators and Congressmen as well as directly by representatives of your committee in Washington.'

Yet it was the psychological moment for a fight. A victory now would convince the three and a half million veterans who were not Legionnaires of the effectiveness of the Legion.

So in January the lobby opened fire. It put down what it calls, picturesquely, a 'barrage.' The barrage worked as follows. The lobby wired the departments, the departments wired the posts, the posts called up the members. The next morning every opposing or doubtful legislator in the Congress of the United States got a flood of menacing telegrams from his veteran constituents. No telegrams came from the unorganized majority of taxpayers. What telegrams may have arrived from other sources, the Legion hastened to assure Congress, were inspired by the monster of Big Business.

At the same time barrages of boiler plate, clip sheets, and so on descended on 10,000 newspapers from the Legion

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News Service attacking the interests, and so virulent were some of these attacks that the editors must have had to look twice to be sure that they had not emanated from radicals.

The Adjusted Compensation Act passed over President Coolidge's veto on May 19, 1924. It called for an average bonus of $500 by means of a twenty-year endowment policy to about four million men. The act has been amended six times, making it more expensive. It has cost, so far, about a hundred million dollars a year to the people of the United States.

Immediately afterward, the Legion launched a membership campaign based on the victory of the bonus.

VII

It was now obvious to the Legion lobby that they need no longer confine their attention to men disabled in war service. So in 1924 — a big year for the veterans — they caused to be passed the World War Veterans Act, which entirely supplanted the old War Risk Act of 1917.

This act prescribed that all cases of tuberculosis developing up to January 1, 1925, would be conclusively presumed to have originated in the war; they were therefore to be treated free and compensated in cash. The act also specified that all neuropsychiatric disorders developing up to 1925 be presumed to have war origin unless successfully rebutted. This made possible a case which I shall describe in a later article of a man treated and compensated for tuberculosis notwithstanding his sworn statement that he had contracted the disease six years after the Armistice. (The Legion now denies responsibility for the 'conclusive' clause and for the date 1925, though the lobby claimed credit at the time.)

It never occurred to the lobby that by giving a few border-line cases the benefit of the doubt they were demoralizing thousands of men who would take advantage of this law, knowing that they had no ethical right to it. No, they said, the new policy of the government was for broad legislation — special pensions had been abolished.

The same act included a provision that where there were vacant beds in veteran hospitals they might be used for non-war cases. The lobby was abetted in this, curiously enough, by President Coolidge, who, in a message to Congress, recommended it and went even further than the lobby in suggesting the building of new hospitals. In 1932, 60 per cent of the beds in veteran hospitals were occupied by admitted peace-time casualties.

By 1925, then, the capture was almost complete. Colonel Taylor walked through the Capitol and the Senate and House offices like a commander. When Congress was in session he could go to a door of the Senate Chamber or the Hall of Representatives and send a page boy for a Senator or Congressman; the person summoned would come running. He could, and often did, walk into the office of any legislator, and all business would be put aside during his visit. Very few people on Capitol Hill dared say no to Colonel Taylor. Any Senator or Representative of the United States who did say no to Colonel Taylor would hear, within twenty-four hours, from 'the boys back home.'

From 1925 to 1932, the annual cost of World War veterans jumped from 371 to 567 millions.

VIII

But there was still one more battle to be won before the capture would be sure, and that is one of the most curious fights a lobby has ever fought. The result was unimportant because it cost so little, — a sum of money picayune

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indeed compared with the many millions of benefits which were obtained without a struggle, — but it took nine years of hard, concentrated, often heartbreaking work to win.

At its caucus in May 1919, the infant Legion complained that, while officers of the regular services were retired for disabilities incurred in service on three quarters of their pay for the rest of their lives, the brave emergency officers of the army — in it only for the war period — had to content themselves with the compensation of a private for as long as their disability lasted. The War Department objected that disabled regular officers had to give up their profession, while an emergency officer, who in civil life was a lawyer or broker, did not. This argument only angered the Legion.

For a democratic organization like the Legion, in which rank, according to Article I of the Constitution, did not exist, this attitude was surprising. Congress was frankly surprised. And Congress, furthermore, refused to believe that the boys back home were behind this thing.

Senators looked at the figures and could hardly believe their eyes. If this bill (introduced by the lobby in 1919) were passed, a disabled captain — and only 30 per cent disabled at that — would get $150 a month for the rest of his life, while a totally disabled private got only $100 and a widow of a man killed in action got only $30. No, they said, the rank and file were not behind this bill.

They were right. The rank and file were not behind it. But the rank and file knew almost nothing about it. It was sketchily presented at Legion conventions. It involved so little money that there was nothing about it in the press.

The reason the Legion lobby worked so hard over this bill was that it would not brook being thwarted by the national legislature on a piece of legislation it proposed. If the Legion lost one battle, it could never complete the capture. The fight against this bill, the lobby explained, had 'developed into a fight on the American Legion.'

In the years that followed, every possible parliamentary trick was tried. The committees considering it delayed; the lobby prodded them. The lobby placed menacing letters on the desks of Representatives. Barrages were put down; people all over the country telegraphed in loyalty to the Legion, not knowing what they were telegraphing about.

Finally Senator Tyson, a member of the Legion, introduced a new bill and gave it a lucky number, S. 777 — a good old doughboy crap number. It was jointly introduced in the House by Congressman Fitzgerald. The Tyson-Fitzgerald bill became law in May 1928.

In the nine years of the battle, the number of officers eligible for retirement grew from a thousand in 1919 to six thousand in 1928; the cost of the bill from $600,000 to $11,000,000.

IX

In 1930, the famous Disability Allowance Act went through. This provided cash compensation to veterans 25 per cent disabled in any way *except* in war service. This disability must not be the result of the veteran's own misconduct. It also must be paid only to veterans who, the year before, were exempt from income tax.

The Legion repudiates responsibility for this act, though by accident, in the lobby's 1930 report, it is listed under 'Accomplished.' But the Legion is, truly, not to blame.

Nevertheless, once it was passed at a cost to the nation of a hundred millions a year, the Legion agitated to

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remove from it two clauses — the willful-misconduct clause, and what they call the 'pauper' clause. I questioned one of the lobbyists on this. His answer is interesting.

'We are against willful-misconduct clauses in all legislation. We do not mean it to apply especially to this bill. It is important primarily in the provisions for service-connected disability.'

'Why,' I asked, 'is it important?'

'On account of venereal disease,' he said. 'Remember, in the war our government sent these millions of men away from home. They were removed from association with decent women and they were surrounded by temptations. The government must accept responsibility for what happened to them.'

I admitted that venereal disease might be considered a war disability. 'But,' I said, 'in this war the government went to great effort and expense to provide an efficient prophylaxis. You remember that a man who contracted disease was punished in the army for having rendered himself unfit for service *unless he could show that he had taken advantage of the prophylaxis.* The army considered venereal disease a self-inflicted wound.'

My friend began then to talk about innocent infections, so I did not pursue the subject. I was disturbed anyway at his regarding these soldiers of the World War as helpless children.

X

Like many dictatorships, the American Legion went, in the course of thirteen years of power, too far in its tyranny. It began as a benevolent despot; it did, certainly, incalculable good to the disabled. In its early years it cleaned up the administration of veteran affairs when that administration was a flagrant scandal. It obtained employment for men who had lost their jobs during the war. It brought about an efficient vocational rehabilitation of crippled men. It took care of countless children. The individual posts have performed great services, rounding up criminals, rescuing lost or kidnapped children, giving relief in time of disaster.

The fault lay in the lobby. The lobbyists were underpaid, but they were interested and zealous and wanted to hold their jobs. They were harassed by such fears as the constantly threatened loss of membership in the Legion at large. They enjoyed fighting for its own sake. They took pride in their influence upon Congress. For these reasons they forgot about the cost. And prosperity — while the public slept — helped them to forget. It was only when the depression came that they began to realize that the burden they had placed on the backs of the people was too great to be borne.

The 1932 report of the National Legislative Committee begins with a lament. 'The first session,' says the Foreword, 'of the Seventy-second Congress which convened on December 7, 1931, developed the turning point in the legislative activities of the American Legion. For the first time in our history we were placed on the defensive by the marked attitude of Congress, not only to refuse the enactment of new legislation, but also to cut down the present appropriations and take away existing veterans' benefits.'

The lobby, in short, was frankly worried. Yet now it had the Legion itself to contend with. No sooner was this report presented to the Portland convention, in September 1932, than bedlam broke loose, and, with yells, shrieks, stampings, boos, and catcalls, the delegates voted for immediate cash payment of the bonus. The lobby had reached a turning point. But the

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Legion, coddled, babied, spoiled, and loaded with gifts for thirteen years by the lobby, refused to recognize the change.

In 1932, also, organized veterans were shaken by the startling reëlection to Congress of Lewis W. Douglas of Arizona. Douglas (though a Legionnaire) had for years opposed extravagant veteran benefits. His campaign was a campaign of economy. He was elected by 6000 plurality in a state where 20 per cent of the voters were veterans.

XI

The interesting question, after we have shown how such a minority dictatorship as this developed its power until it held the Congress in the hollow of its hand, is: Who will bear the hardest burden of its tyranny?

Not Congress, certainly. Congress has a traditional flair for wriggling out from under. Congress always reverses itself in time. The people, then? Yes, the people have already suffered from increased taxation. The treasury? That depends on the success of President Roosevelt's economy measures. It is unlikely that he will permit complete bankruptcy as long as he holds the power to prevent it. No, the real sufferer is the veteran himself.

In March 1933, by President Roosevelt's economy act, hundreds of thousands of veterans were cut off from part of their subsistence. Many lost their entire incomes. Thousands of men who, for a time, have lived on disability allowance for peace-incurred disabilities will find themselves with nothing to live on. They have abandoned work, knowing they could live on this dole, and have got out of the habit of work. Thousands more of men who derived a subsistence from the absurd presumption of war origin for tuberculosis or nervous diseases will have to discover new sources of revenue at a time when normal sources are dried up.

So the Legion, piling Ossa on Pelion in its zeal for the ex-soldier until the pile became top-heavy and fell of its own weight, has worked the greatest hardship on the very men it tried to help. It has demoralized the ex-service man by salving his conscience with legislation. It has stripped his service of the glamour of patriotism. It has impaired his power to work for a living. But, hardest of all, it has made promises to him which it cannot keep.

The Legion lobby realizes this. The saner element in the Legion realizes it. The great body of the Legion realizes nothing. Innocent at the beginning of all this drive for power, the great body of Legionnaires, now drunk with the power that has been thrust upon them, are still ignorant of the consequences.

As this present writing appears, the American Legion is preparing for its national convention. For the sake of the World War veterans, of whom I have the privilege of being one, I hope that the saner minds of the Legion will triumph. I hope they will say to the convention: 'These things have gone far enough. We admit that our zeal has outrun our wisdom. Let us abide now by the rules the President has laid down, and fight no more for ruinous legislation, even if it means abolishing our Washington lobby. Let us do this for our own sake, lest the name of veteran become anathema in the land.'

(In a second paper Mr. Burlingame will describe the fight on the Roosevelt economy bill. In a third he will endeavor to predict the immediate future of veteran legislation.)

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A WORD TO YOUTH

BY ANDRÉ MAUROIS

A QUESTIONNAIRE is, generally speaking, either a nuisance or a bore. But once in a while one comes along that inspires helpful thinking. At such times the interrogated blesses his examiner. This is what I felt one morning recently when I was asked to answer the following: —

1. What is the most valuable lesson life has taught you?

2. To a young person in whom you were interested, what advice would you give which would help him to keep his balance in the most difficult experiences of his life?

There we have two beautiful problems. Let us give them a little thought.

I

Adolescence is the most difficult period of life, because then every defeat seems final. Let the youth live but a little longer and he will learn life's first, most valuable lesson — that nothing is final.

'Things adjust themselves, more or less badly,' Disraeli used to say dolefully. Not a very consoling thought, put that way. For it is quite as true that things turn out well. More often still, many actions have no results — they come to naught. A few weeks slip into a few months; and of a situation that seemed at the time to have no possible solution nothing remains but a faint memory, a confused picture, a regret.

The man or woman who has lived through the experience of an unendurable present transformed into a blurred past has more power to face affliction. 'A wretched power,' the romantic youth will say, 'a power made up of indifference and skepticism. Rather than that, give me my weakness and my suffering.'

The youth is mistaken. Men and women who have reached maturity have not become indifferent. If even in love they know the passion is fleeting, that very thought makes the experience more acute, more ardent. 'Nothing is sadder than a second love,' Goethe said. 'But a third comes and soothes the other two.'

I speak here not only of personal problems and private sorrows. In political life it is especially true that long-faced prophets of misfortune unsettle inexperienced young men. Now here again a longer life teaches that events straighten themselves out by time and circumstance. And a wise old Italian diplomat used to say to the young men who surrounded him, 'Don't ever say, "This is very serious." For sixty years I have been hearing that things are very serious.'

As a matter of fact, how can a human situation possibly be otherwise than serious? It is very serious to be a man, to live, to carry on. And yet it is also true that, as the Italian minister suggested, life is very simple, very beautiful; and that it has

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been going on now for some millions of years.

'The hollow optimism of words,' some will think. In present sorrow the mere abstract idea of future relief is comfortless. But life itself shows us the way to more active solace. We learn that we can cut loose from its most painful moments. Flee the place of grief and the ache will heal. Twenty miles . . . the thought of not seeing for some time those who have wounded us . . . and little by little unhappy memories fade. Better still, even without stirring from the spot, escape from torment is possible by the enjoyment of reading, of music, and of some form of creation. The function of Art in life is to substitute for futile and painful concentration upon one's self the serene and selfless contemplation of Beauty.

Life's second lesson — at least for me — is that few people are wholly evil. In his first years of contact with strangers, the youth who has known only the mild life of the family circle is frightened by the cruelty, selfishness, jealousy, which he thinks he meets at every turn. His pessimism is not entirely unfounded: humanity can be appallingly base. But as we come to know people better we find that they are capable of kindliness, of enduring tenderness, of great heroism. Then we begin to realize that what is really fear of life is shielding itself behind the armor of crime. What seems revenge is really suffering. And, most frequent of all, ignorance is judging and acting blindly. The English writer, Charles Lamb, said one day, 'I hate that man.' 'But you don't know him,' a listener objected. 'Of course I don't,' said Lamb. 'Do you think I could possibly hate a man I know?'

'What is the most valuable lesson life has taught me?' A passionate belief in human nature, in spite of her crimes, in spite of her madness. For that madness is a result: it is not a cause.

II

We must come to the second question. 'What advice would you give to a young friend which would help him to keep his balance in the most difficult experiences of his life?'

That's a question for a book, not for an essay. I think I should begin by insisting on the necessity for discipline. It is not well for a man or a woman to be ceaselessly seeking the whys and wherefores of everything. That a life may be happy, it must be based on fixed principles. I would almost say that it is of little importance what those principles are so long as they are solid, steady; and that we accept them without compromise. I am not speaking here of doctrinal creeds. 'That,' says the poet Byron, 'is an affair between a man and his Maker.' I am speaking of actions self-imposed, of building upon a solid base, of living by strict discipline. The discipline of a religious life, the discipline of work, of every kind of sport — these are all sane and wholesome, provided they are whole-heartedly believed in.

Another condition making for mental and moral balance seems to me to be unity in the plan, continuity in the pattern. A young person is tempted by every possibility, and the possibilities are infinite. Limiting himself to a choice irks him. He wants to have every kind of friend; to take every possible journey; to embrace all learning; to embark upon every kind of career; to experience every kind of love. But one of life's conditions is that he must limit himself; he *has* to choose. Then, and only then, can he live deeply and steadily.

These, I think, would be my answers — if I were to answer.

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HITLER SPEAKS

His Book Reveals the Man

BY ALICE HAMILTON

I

THE man who now rules Germany is no enigma; there is no mystery about him. His beliefs, his dreams, his loves and hates, are all laid bare in his own book; indeed, they are elaborated in almost exhausting detail, for it is a book of some 250,000 words. All his programme is to be found there also. Nothing that has happened in Germany since January 30 should be a surprise to the Germans, for Hitler told them years ago what he meant to do, all of it, from the prohibition of Cubism in art to the swallowing up of Austria, from the driving of Jews out of the singing societies to the abolition of the trades-unions. Moreover, the book is the clearest revelation of the man's character, for it is written with a sort of naïve brutality that glosses over nothing, because it never occurs to the author that criticism is possible. He does not condescend to explain, far less to excuse; he is not thinking of persuading: he is proclaiming principles that must meet with acceptance because there is force — physical force — behind them.

This paper is not an attempt to explain Hitler's success. Such an article could be written only by a German, and would probably be understood only by Germans, for the more an American studies the utterances of the 'Leader,' the less can he understand the secret of Hitler's influence over a modern-minded people. It is only an attempt to show the man as he reveals himself in his book, *Mein Kampf*.[1]

The book was written in 1923 when Hitler was serving a five-year sentence in a Bavarian fortress. (The sentence was, however, reduced to less than a year.) Since then, many editions have appeared, the last one in 1933. It is dedicated to sixteen of his followers who fell in the uprising in Munich in 1923. The book is an autobiography, but it is devoted far more to the political philosophy of National Socialism and to the struggles of the party than to his own life history, and it should be supplemented by the life of Hitler written by Czech-Jochberg. Both Hitler and his biographer were what they bitterly called 'border Germans.' Jochberg begins his book with a description of what life meant to Germans living in Bohemia, a minority in a Czech population which it despised and hated, and which the craven Austrian Government always favored. To be a German schoolboy in a Czech village, as Hitler was, meant to be teased and bullied by Czech boys and humiliated by Czech teachers. It ate into Hitler's soul; it gave him a fanatical devotion to Germanism and pride in being a German.

[1] An English translation is to be published this autumn by Houghton Mifflin. —EDITOR

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As soon as he reached manhood he escaped from the village to the 'German' capital, Vienna, only to suffer cruel disappointment, for there too he found Czechs, Slovaks, Magyars, and even Poles, acting as if they were as good as German Austrians. The first time he entered the Reichsrath, full of awe and anticipation, he was outraged to hear a Czech deputy making a speech in his own language, and he left the place in scorn. This seems to have been the beginning of his contempt of parliaments.

He had hoped to be an artist, then an architect, but necessity drove him into the ranks of labor. For some time he was an ardent admirer of Lueger, the notorious leader of the 'Christian Socialist Party,' and under him he formally embraced the anti-Semitism which has more and more possessed his mind as years have gone on. However, he lost faith in Lueger because, although the latter knew how to reach the people, he did not appreciate the importance of making Austria purely German. Von Schoenerer, founder of the 'All-German-Away-From-Rome Party,' was right on this point, but failed to see the importance of the common man and never gained the adherence of the masses. Thus, slowly, Hitler began to form his own political programme, one based on anti-Semitism, the exaltation of the German race, anti-Marxism so far as the Marxian doctrine signifies class conflict, the rejection of majority rule in favor of single, autocratic leadership, and the widest possible appeal to the masses.

All this time his mind was filled with longing to be a German in a land that was really German, and at last he succeeded in reaching Munich, where the declaration of war found him. At once he offered himself as a volunteer in the German army, for it seemed to him unendurable to go back and fight in an Austrian army with Slavs and Magyars and Turks, but to be a German soldier in a German army would be glorious. He was accepted, and he describes the joyous exultation of his journey to the Front. This feeling never left him through the four and a half years of the war, though he was wounded once, and again was almost blinded by mustard gas. It was when he was in hospital recovering from this last that the terrible news came of the Armistice. He tells us he turned his face to the wall and wept bitterly, for the first time since his mother's death.

He resolved then to devote his life to the restoration of a strong, a dominating Germany, able to dictate to her adversaries instead of submitting to them. For this a disciplined party was needed, and Hitler began with six followers; but by 1923 the number had grown to the point where he was able to stage, with Ludendorff's backing, an almost successful *Putsch* in Munich. Its failure seems to have been due to Ludendorff's irresolution, and Hitler was arrested, sentenced to five years in a fortress, but released within the year.

II

The practical programme of the National Socialists consisted at first in making themselves 'masters of the streets' — that is, in joining battle with all opponents, usually Communists, and driving them from the streets. The second object was to win what they called 'freedom of assembly,' which seems to mean the right to hold their meetings without interruption by hecklers, and also the right to break up the meetings of their opponents by strong-arm methods. Hitler devotes pages to descriptions of such battles on the streets and in the great beer halls of Munich, and gives many a picture of a hall in mad confusion, with furniture

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smashed, men trampled underfoot, heads broken by the leaden hose wielded by his gallant young Brown Shirts — himself meanwhile standing at rigid attention on the platform, and, when the tumult was finally quelled, taking up his speech at the point where it was interrupted. It is not always easy to see what object was gained by many of these exploits, beyond, of course, that of advertising.

Thus he gives a long account of the famous 'Invasion of Coburg' in October 1922, when the Nazis were invited to take part in a meeting of many national organizations. Hitler went with eight hundred picked men in a special train, which aroused great excitement and apparently some nervousness, for the Coburg administration requested him to enter the city without flags and without music. Of course he paid no attention to such an order, and he relates with gusto the march of his troops through the city to the public square and the fear and disorder that were thus occasioned, the lying accusations hurled at them — inspired, of course, by the Jews — of Fascism and anti-labor principles, and finally the strike of the railway employees who refused to run his special train back from Coburg. When, however, the Brown Shirts announced that they would run the engine themselves and probably come to grief, the railway workers hastily yielded, and victory was in the hands of the Brown Shirts. In this way, says Hitler, he restored freedom of assembly to Coburg, which had been too long under the red terror.

This is only one of several glorious campaigns which he recounts with exultant detail. The new hero of the Nazi movement, Horst Wessel, who has now a street or a square named for him in every city (in Frankfurt-am-Main his name has supplanted that of Rathenau), was a youth who organized Storm Detachments in the Berlin slums and fought many a battle against Communists in the streets, finally falling at the hands of Communists, not in battle, but in his own room. According to the Nazis, this was a brutal, unprovoked attack on a helpless man; according to the Communists, it was a quarrel over a girl of the streets, who, as admitted by both sides, lived with Horst Wessel and acted as spy for him in the Communists' camp. It is his song, 'Die Fahne Hoch,' which is now second in importance to the old 'Deutschland über Alles.'

Hitler's description of his system of propaganda is, to me, the most interesting part of his book. It is engagingly frank and most revealing. Propaganda, he says, must be adapted to the capacity of the most limited intelligence. The greater the mass to be reached, the lower it must go, and it must avoid with the utmost care spiritual principles that are too lofty. The more modest its intellectual equipment, the more exclusively it appeals to the feelings of the masses, the more brilliant will be its success, and this success is the only test for the rightness or wrongness of propaganda.

It is a mistake to give one's followers too many adversaries to fight. That bewilders them and arouses doubt. One adversary only must be offered to their hate, and the same again and again.

The receptivity of the great mass is very limited, its understanding is small, its capacity to forget is enormous: therefore good propaganda limits itself to few points, and these it embodies in slogans and uses over and over till the last individual has felt the effect. Propaganda has no business with what is right or true on the enemy's side; it must always serve its own side, and that only. For instance, it was all wrong to say that not only Germany

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but all the warring nations were responsible for the outbreak of the war. What should have been done was to throw absolutely all the blame on the others, even if in fact it was not true. If you give the masses the least hint that there is a glimmer of light on the other side, you start doubts, uncertainty. The English and Americans never made that mistake during the war; their propaganda was faultless.

After a programme which appeals to the masses has been formulated, it may sometimes seem advisable to amend it, but this would be a mistake, for it would admit of discussion and debate, which are fatal, resulting in a weakening of that unshakable faith which can be maintained only if no change is ever made. Therefore never make concessions. The programme as first drafted must remain absolutely unchanged, at least till victory is won. This has been true of the twenty-five planks in the Nazi programme, which remain as they were in 1923.[2]

Never try to overcome opposition at a morning meeting. Wait for the evening when people are tired and their powers of resistance are low.

The speeches of Lloyd George read like platitudinous nonsense, Bethmann-Hollweg's were reasoned and fine, but the former was a great propagandist and the latter an utter failure. It is the spoken word that counts, not the written. Mass meetings are essential, not only for the conversion of the crowd, but to arouse *esprit de corps*, courage, and the will to action.

Remember that the bigger a lie is, the more readily it is believed by the masses. For the simple man is not really corrupt. He does tell small lies and therefore he sees through them; but he cannot imagine anyone deliberately telling a thundering lie, so when he reads or hears one he believes it. Remember also that the mass is heavy and hard to set in motion, and that only a thousand repetitions of the same simple thing will start it moving. If any variation is permitted, it must always come to the same conclusion. The slogan can be illuminated from several sides, but it must be the same slogan. If these rules are followed, one will be astounded at the results that persistence can attain.

[2] For further analysis of the planks in the Nazi programme, see 'Hitler and Hitlerism' by Nicholas Fairweather, in the *Atlantic* for March and April, 1932. — EDITOR

III

Certainly the foreigner in Germany cannot fail to be astounded at the success of Hitler's propaganda. One is told that it was made possible by his complete control not only of the press but of the radio. From January 30 till late in May, practically nothing was heard over the radio but Goebbels's propaganda speeches. Then in May Hitler announced that the German people were at last fully instructed in the doctrine and he would begin to permit programmes of entertainment. To the foreigner the success of the method is shown by the stereotyped answers that are given again and again by different people when they are confronted with any particular question, and by their bewilderment when the answer is challenged. Speak about the Jewish situation, and at once you are told of the hordes of Eastern Jews who flooded the country, of the excess of Jewish lawyers in Berlin. You are asked why the outside world always attacks Germany when it was quite indifferent to Mussolini's strong-arm methods and to the Bolshevist massacres.

Perhaps the most amusing instance of successful and quite fantastic propaganda was Hitler's treatment of the anti-Jewish boycott. On April 24 he spoke in Munich and praised the high

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discipline of the Brown Shirts. 'Discipline,' he said, 'is the foundation of our movement. When the measures against the foreign Jewish slanders and anti-German Jewish boycott were ordered, they were put through like a thunderbolt from heaven. When these outrages ceased, the order was rescinded and as promptly the punitive measures stopped.' To an American this was bewildering, a putting of the cart before the horse, but I soon found that this version was generally accepted.

A woman in a little shop in Rothenburg answered my question about the Jewish boycott thus: 'Yes, the boycott against the Jews was ordered because Jews had spread lies about Germany in other countries, — none of it was true, nothing happened to any Jew in all Germany, — and, because of these lies, foreign Jews were attacking German Christians and throwing them into prison. So the boycott was ordered, and then the foreign countries stopped persecuting Germans and let them out of prison.'

In a prominent evangelical religious magazine (*Danziger Kirchenblatt*, May 7), the editor deals with the question in this same way. Under the title, 'A Word to Those Who Stand Aside,' he reasons with the Christians whose consciences could not approve the boycott on April 1 and the later measures against the Jews, holding such warfare to be intolerable to followers of Christ. But this is because they do not realize the danger. 'That there is a danger, and that it is not fantastic, are shown by the atrocity propaganda, which spread over the world and was inspired by Jews. It led to ill feeling against Germany, and German goods were boycotted and Germans were expelled from other countries. This was a real danger to Germany, who had to defend herself against it, and Christians must help, for the Christian is responsible to God to see to it that the nation does not perish. Of course, as in all war, the innocent suffer with the guilty, but if innocent Jews suffered here, innocent Germans suffered in foreign lands. A German Christian must think first of his own people. International thinking is not Christian, for it denies the order of Creation.'

No, there is no denying the success of Hitler's methods for the present. Whether the success will be lasting, whether the complete suppression of free speech and a free press will not eventually bring about so much confusion and doubt, so many rumors and counter-rumors, as to undermine the people's faith, is a question which no non-German can answer.

IV

Another interesting passage in the book is Hitler's description of his method of building up his army. Young men were told that the idea of National Socialism was so lofty that it must be defended with the last drop of blood; that terror must be met with terror, and attack was the best defense when reason was silent and force alone could decide; and that all the world must know that Nazi troops were not a debating society, but a fighting organization, resolute and determined.

'And how youth had longed for flaming words such as these! How clearly one saw that the revolution [of 1918] was made possible only by the bourgeois leaders of the nation, who had indeed the fists to defend their rule, but not the brains to command them. How the eyes of my young men would blaze when I showed them the necessity for their mission, showed them that all wisdom is of no effect on this earth if force does not serve it, that the mild Goddess of Peace can move only at the side of the God of War, and that every

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great deed of peace requires the protection of force. Then the idea of patriotic service arose in living form before their eyes. Not in the form of fossilized officialdom in the service of a dead state, but in the form of a living consecration of life itself to the service of all. And how they responded! Like a swarm of hornets they would fly at the disturbers of our meetings, without regard to overwhelming numbers, caring nothing about wounds or death itself, thinking only of building a free path for our holy movement.'

The doctrine Hitler teaches his followers is simple, easily grasped by the most ignorant. Germany was betrayed in the war by Jews, Communists, and Liberals. Under the Republic she was reduced to pitiable impotence by the parliamentary system of government, by class warfare, and by the loss of the army. What she needs is a single leadership, sustained by a picked body of devoted followers, a restoration of military training, the expulsion of all dissenting elements, and the welding of the nation into a single fighting organization, capable of demanding and securing Germany's rights. To bring this to pass there must be a *Gleichschaltung* (a switching on to one track) of everything in German life — education, religion, medicine, jurisprudence, art, literature, music, the drama, journalism. Dissent must be abolished.

This is the doctrine he has preached for some fourteen years, and this is what he is now trying to carry out. It is simple, and the methods he chooses are also simple, as simple as the 'Off with his head!' method of the Queen of Hearts in *Through the Looking Glass*.

V

Much of his teaching is familiar to us now — his devotion to what he calls race purity and to the godlike Aryan, his hatred of the Jew, whom he holds responsible for every disaster that has happened to Germany in a hundred years. This last is, indeed, a subject he cannot keep away from; it is his King Charles's head that bobs up in the most unexpected places. There are pages and pages that drip with hatred of the Jew in language too vile to reproduce. I have selected a few out of hundreds of passages: —

> The real cause of the collapse of Germany was not her defeat in the war; that would have been laughably easy to overcome. It was the failure to recognize the Jewish peril. It was the Jews who for decades had systematically robbed the German nation of the political and moral instincts which every nation needs if it is to survive. . . .
>
> The Jew is the greatest inciter to the destruction of Germany. Wherever, all over the world, we read of an attack made on Germany, Jews have invented it, just as during the war it was Jewish finance and its Marxist press which aroused the hatred of the outside world toward Germany in country after country, so that, one by one, they gave up their neutrality and, in despite of their own real interests, entered into the service of the world coalition. . . .
>
> The motives of the Jews are clear. The Bolshevization of Germany, the stifling of all German thought, the subjection of German labor under the Jewish yoke — this is only the first part of the vast plan of Jewry to conquer the world; and if Germany falls victim to this gold-hungry people, the whole world will be strangled by the embraces of this polypus. Free Germany from the menace and the world is freed. Always the Jew uses as his weapons pacifistic-socialistic and international doctrines, and thereby destroys state after state so that on the ruins the great Jewish state may rise. . . .

Over against the Jew stands, of course, the Aryan, who is and always has been the hope of the world. 'The Aryan is the Prometheus of humanity, from whose light-bearing forehead the godlike spark of genius has sprung at all times, ever lighting new fires to

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illuminate the night of hidden secrets and thus showing the way which leads to the rule over all other peoples.' Hitler's Aryan is not the Anglo-Saxon as we know him; he is no individualist; he has rather the characteristics we attribute to the followers of Mohammed and the subjects of the Mikado — a realization of the worthlessness of the individual, a readiness to subordinate the self to the life of the Whole, even to surrender life itself. It is the great principle of the Aryan, as Hitler sees him, that individual opinions and individual interests should be sacrificed to the good of the majority. Somehow this does not seem to fit the Aryan pioneers who founded our country, but one can see why Hitler's ideal state requires just such qualities.

All Aryans, however, are not equal. The pure German stock is superior to others, and it is the highest duty of the state to foster this stock and to prevent its 'bastardization' by admixture with inferior stocks. It has been the mixture of blood, the loss of race purity, that has brought about the decline of all great nations. Hitler is not speaking here of a mixture of Jew and Gentile, but of pure Germanic with non-Germanic elements, especially from the East. It is evident that he considers the Slavic and the Alpine races as distinctly inferior, although Aryan, and deplores intermarriage with them.[3]

He advocates the interference of the state in order to protect what he calls race purity. 'The present generation of notorious cowards and weaklings will protest against what they call invasion of the holiest of human rights. No, there is one holiest right only, and one holiest duty, and that is to see that the nation's blood be kept pure so that humanity may reach its highest development. The state must lift marriage from the abyss of racial shame, and sanctify it as an institution for the procreation of likenesses of God instead of monstrosities which are a cross between men and apes.'

Of economics he knew, and knows, little. He learned from Feder the theory of 'debt slavery,' and there is a plank in his platform calling for lower interest rates. But his attacks on Marxism and his defense of Socialism are often far from clear. Marxism to him means the economic interpretation of history and the necessity for class warfare, both of which he rejects, while Socialism is German and he accepts it. He says that the industrial worker and the peasant are the foundations of the state, but the concrete programme for fostering their prosperity simmers down to this: for the worker, the uprooting of Marxism (whatever that be), the abolition of separate trades-unions, and the bringing of all workers under one leader — appointed, not elected; for the peasant, the reinstitution of primogeniture to prevent too much subdivision of the land, the lowering of interest on mortgages, and the provision of loans on easy terms to young couples to encourage early marriage. For a 'nation without space' this is a curious programme, explained only by his foreign policy.

On the other hand, his plan of education is clear and detailed. It is to be primarily physical training and character training, only secondarily intellectual. The qualities that are to be emphasized are the soldierly virtues — obedience, self-control, loyalty, the ability to hold one's tongue, the capacity for sacrifice, and willingness to assume responsibility. All education must find its crowning point in military service. The girls' training must be for motherhood.

[3] It seems that on diplomatic grounds, not ethnological, Hitler has decided that Magyars and Finns are Aryans. To include them in the vilified non-Aryan class would be highly imprudent. — AUTHOR

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There will be three classes in the new Germany: citizens, Germans who are not citizens, and foreigners. The first class must go through training in schools prescribed by the state, and then serve in the army. Only if then the man is found blameless and healthy is he to be made a citizen with solemn ceremony. This is the greatest moment of his life, and he must be made to feel that it is more glorious to be a German street sweeper than to be king of another country. The second class does not vote and is at liberty to go to another country. The third class (which includes the Jews) has inferior rights. The citizen is the master of the Reich. Unworthy conduct reduces him to the second class. Girls belong to the second class till they marry, then they pass into the first class; but citizenship can be bestowed on single working women.

As can be seen from these excerpts, Hitler's style is dogmatic: his statements are made *ex cathedra*, with no argument in defense, no instances in proof; they are there, they come from the 'Leader,' they are authoritative. His treatment of his opponents is quite devoid of justice, to say nothing of generosity, but in this he is following the principle he lays down for successful propaganda — never to do justice to your adversary, never to admit that there is any right on his side, regardless of the real facts, for in so doing you allow doubts to creep into the minds of your hearers.

VI

Hitler's foreign policy is based on three principles: that might makes right; that the rule of the world belongs to the Aryan race; that Germans are Aryans, and Germany needs land which is now held by inferior peoples. To carry out such a policy by force is to follow the Divine Will, since 'the task of upholding and forwarding the highest form of humanity which the goodness of the Almighty has bestowed upon the world is a truly lofty mission.' Moreover, 'the Aryan has always needed an inferior, conquered people to do the hard work; without that, progress would be impossible. Only pacifistic fools can see anything wrong in this absolutely necessary course of development. The Aryan conquered and enslaved inferior people but gave them really a better lot than their so-called freedom, and as long as he carried on his mastery ruthlessly he was not only the ruler but also the fosterer of culture.

'Our party does not believe in race equality; rather, that its duty is to preserve the higher races and bring into subjection the lower, in obedience to the Eternal Will that rules the universe. Our policy idealizes humanity, but it does not recognize the right to existence as universal, for such an idea would imperil the racial existence of the carriers of a higher ethics, since in a bastardized world all hope of an ideal future would be lost.'

Germany is a nation without space. Her first need is land — not colonies, but land in continental Europe. Hitler's foreign policy, therefore, takes an eastern orientation, away from the south and west and away from schemes of colonization. Land lies in abundance to the east — in Poland, the Ukraine, and central and southern Russia. Germany will take this land by the might of the sword, but not 'as an Alexander for the sake of conquest; rather, the goal will be the diligent work of the German peasant's plough in the soil which the sword has secured for it.' Russia herself, under the Tsars, furnished the best instance of such enlightened rule by a superior race, 'for the old Russian state — Bolshevism has robbed it of all intelligence — was not the product of Slavic achievement,

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but of the marvelous statesmanship of a few Germanic elements in an inferior race. Now the Germans are gone and the Jews are there and Russia cannot be saved, for the Jew is only a ferment of decomposition. Russia is ready to fall apart, and we shall soon witness the greatest proof of the theory of race purity. As for an alliance with Russia, which some have advised, the Jews make that impossible. Germany cannot ally herself with Jewry, which through Bolshevism seeks to rule the world.'

Russia, therefore, is destined to provide for Germany the space she requires. Poland he hardly mentions; apparently he will take her in his stride. He will not, however, repeat the mistake of the pre-war government by trying to Germanize Russians and Poles. Inferior races cannot be Germanized, and the only result of forcing the German language on Slavs is to degrade it. The treatment of Poland and of Alsace was cowardly, neither subjugating them nor reconciling them. Conquered peoples must be smashed with an iron fist, but then given as much freedom as is consistent with the interests of the higher race.

His defense of his policy is simple. The securing of land to which the German people is entitled is worth, in the eyes of God and man, the shedding of blood, and when Germany has land enough to permit her peasants to rear powerful sons, then the sacrifice of this generation of sons will be justified. It is idiotic to say that such a course is 'a violation of sacred human rights.' What country has boundaries based on right and justice? They are made by man and can be changed by man; they prove only the strength of the conqueror and the weakness of the conquered. 'We Nazis say that the right to land becomes a sacred duty when for lack of it a great people is threatened with decline. Especially when this is not some dark-skinned race, but the Germanic mother of all those who have given her cultural form to the world of to-day. Either Germany will be a world power or she will cease to be.'

France is Germany's deadly, implacable enemy, and she always will be. Whoever rules France, whether Bourbon or Bolshevist, will always have as the goal of his foreign policy the seizing of the Rhineland and the break-up of Germany. In France, more than in any country, there is a close connection between Jewish finance and the government, and here the Jewish plan to 'Negrify' the German people was adopted, a sin against the white race which will some day be visited on the head of France by all the vengeful furies of a nation that knows what race purity means. The French and the Jews sent Negroes to the Rhineland for the purpose of polluting the German race, so that after it was fallen and degraded they could become its masters.

To bring about the destruction of French hegemony and the isolation of France, Germany must have allies, and these will be England and Italy, neither of whom wishes to see France the strongest military power in Europe. England might have been Germany's ally long ago, and could have helped her to gain land in Europe, had it not been for Germany's mistaken policy of trade rivalry and colonization. As for Italy, it will be necessary to drop for the time being all protests on behalf of the Germans in South Tirol under Italian rule. Protests are only a sign of weakness anyway. Once Germany is really strong, all Germans, in all countries, will come under her banner. But Germany has been too contemptibly weak to attract allies, and it is the Jews who have kept her so. 'The anti-

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German feeling caused by war propaganda will last until Germany becomes again a factor in Europe, a nation capable of playing her part in the game, and this will be when government and people are united in a fanatic determination to proclaim and to enter upon a war of liberation.'

This makes Hitler's present course understandable. Expel the Jews, build up the army, and then win over England and Italy by showing them that Germany is a powerful military state worthy of their alliance.

VII

Hitler is a soldier, with a definite and limited outlook. Force is all he respects, and the success that attends the use of force proves its righteousness — there is no other test. 'When there is a struggle between forces, the wisdom of life decides rightly, better than man's reason could, for success proves always which of the two is right. . . . We must never forget the law of nature, the law that governs sun, stars, and planets — namely, that only Might is Lord of the weak, and Might must either compel the weak to obedience or break them.'

He loves rough, red-blooded words — 'relentless,' 'steely,' 'iron-hearted,' 'brutal'; his favorite phrase is 'ruthless brutality.' His confidence in himself is unbounded. The great man, he says, who is a combination of theorist, organizer, and leader in one person, is the rarest thing on earth. Such a man is a God-created leader and his will must be supreme. The eighth chapter of his book is entitled 'The Strongest Is Mightiest When Alone.' On the other hand, for followers of the great leader, quite different qualities are needed — physical strength, courage, loyalty, obedience. Sparta is his model, and he asserts that a physically strong man of good and firm character is more valuable to the state than an intellectually gifted weakling. This sentence shows as clearly as does any in the book how Hitler has turned from modern life, which depends on the achievements of the human mind, back to the days when physical force ruled the world. It is natural that he should select Sparta, a city which has left behind nothing of value beyond a picture of bodily hardihood, endurance, courage, and discipline.

Under his ideal leader a party constituted after his ideal has the right and the duty of enforcing its will on the nation. 'The young, victorious idea of National Socialism cannot be held back by any consideration of the past. It must assert its right to compel the German nation to accept its principles and to follow its path. Its doctrine is not the servant of political interests: rather, it will be the autocratic mistress of the German people and will reorganize and dictate their way of life.'

And this way of life is to lead to a Germany united in one party with one idea, one purpose, and under the absolute will of one leader. And the will of the leader is to form again Germany's army, provide it with weapons of war, and then win the land that Germany needs. 'What have our governments done since the war to implant again in the nation the spirit of proud self-assertion, manly defiance, and bitter hate? That we must do. . . . Therefore, from the child's primer to the last newspaper, from the smallest kino to the great theatres, every means must be devoted to this mission, to implant in the mind of all, from the tiniest child to the oldest man, this burning prayer: "Almighty God, bless our weapons; be just, as Thou hast always been; judge if we do not deserve freedom; Lord, bless our Conflict."'

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THE ENDURING MIRACLE

BY M. BEATRICE BLANKENSHIP

I

Two o'clock in the morning . . . lights . . . doctor and nurse talking in low tones . . . pain . . . a voice moaning — my own. . . . A mental resolution to do without scopolamine if there should be a next time, since it breaks down all decent mental reserves without, so far as I can see, lessening the pain by one iota. . . . There is no longer time to brace myself against the furious assaults on nerves and muscles. . . . Pain, like a tiger shaking and grinding. . . . The doctor's voice giving directions. . . . Numbness in my arms — a curious contrast to the live agony of the rest of me. . . . One part of my mind still holds fast to the conviction that this is a small price to pay if only the baby is a girl — but my body no longer cares. . . . Pain in a sudden white blaze. . . . Instant oblivion. . . .

Slowly I float through the infinite night of space. The scattered atoms of consciousness collect and fuse, and I grow gradually aware of myself as an entity. . . . How can death be other than this which I have just experienced — this scattering of consciousness, this complete shattering of individuality, permanent instead of temporary? . . . Then I realize that pain is over and birth accomplished. . . . I am afraid to ask whether the baby is a girl, and gradually the conviction steals over me that it is a boy. . . .

This conviction proves to be well-founded. The baby is a boy weighing seven pounds and eleven ounces — 'a fine, strong boy,' the nurse says, with a heartiness which leaves me completely cold, for I already have three fine, strong boys, and the hearts of all of us were set upon a girl to fill the gap left by the death eighteen months ago of our only little daughter. In spite of my disappointment I have the grace to be thankful that the baby is completely unaware of the lack of enthusiasm that has greeted his advent. The welcome which would have greeted a little girl must be put aside — forever?

Lying here in this pleasant, spotless hospital room, surrounded with all the equipment which modern science considers necessary to the adequate carrying out of this immemorial process, I ponder the enduring miracle, — the only one the scientists have left us, — the miracle of reproduction. We may and do understand every step of the process, but the sum total is still a miracle which remains ever fresh even to the most hard-boiled obstetrician and to the flightiest little nurse. The entire matter is miraculous — the potentialities that lie in the infinitesimal germ; the growth of the fœtus, repeating the various evolutionary stages of its remotest ancestors, in nine months accomplishing in embryo what it required nine million ages to accomplish in evolving man; and finally the miracle transcending all the rest — the almost

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instantaneous change from the unconscious to the conscious, from darkness to light.

For a moment I wonder how, after considering the transfiguration of birth, it is possible to despair over death. Is the survival of a personality after death more incredible than that personality's nine months' accretion of a human habitation? Is the transition from life to death more utter or more violent than the change from the dark, still warmth of the womb to the unresting brilliance of the outer world? Science, which in the last few years has answered so many erstwhile insoluble questions, has as yet no satisfactory answer for these.

II

Begetting . . . bearing . . . burying. . . . As they were in the beginning, are now — and ever shall be? These three immemorial processes on which our world is founded are as yet fundamentally unchanged. That is to say that, although man has learned to some extent to regulate the first two, and to postpone the last, the processes themselves remain the same. And since the memory of the whirlwind of pain which I have lately encountered is still vivid, I cannot but wonder whether man's regulation has not somehow thrown a monkey wrench into Nature's machinery. Physically, at least, I am a strong woman. The doctor and the nurses are surprised because I am able, unaided, to sit up on the second day after the baby's birth; but I imagine that, compared to the Russian peasant or the Indian squaw, I make a poor showing. I imagine, too, that, except in times of great natural catastrophe, the death rate among the untutored savages was not much higher than is our own. I believe that, as long as Nature had complete charge of affairs, birth, though a more complicated performance than begetting or dying, was still much simpler and easier than it is to-day. What mother of human babies has not envied a cat or a dog mother the comparative ease and painlessness, and above all the rapidity, with which her babies arrive? When man was merely the highest of the mammals instead of a being little lower than the angels, birth was probably as simple for woman.

But the complexities of civilization — particularly, I suppose, of clothing — gradually increased the complexities and rigors of childbirth until having a baby was for the mother almost as dangerous as going to war was for the father. Then it dawned upon man that his methods, in respect at least to birth, seemed to be no improvement on Nature's, and he set to work to remedy the trouble. Obstetrics became a science instead of a side issue, and by dint of perfect sterilization, innumerable appliances, and a great advance in technique and prenatal care, childbirth is now as safe as — or perhaps safer than — it was in the time of the cave man. I maintain, however, that even yet it is more painful, and in this belief I am borne out by the doctors whom I have consulted on this point. Birth is, if we stop to consider, almost the only natural function that is painful, and that fact alone seems to indicate that somewhere down the ages a monkey wrench jammed the machinery so badly that not all the ingenuity of the medical profession has as yet been able to straighten things completely out.

Physicians have, however, done a great deal to remedy matters, and would probably have done more if they had been able earlier to rid themselves of the inhuman belief that the suffering incident to childbearing was Eve's just punishment for her tempting of Adam, and that in any way to lessen it would be to run counter to the will of

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God. It is probable that in a few more years some method will have been worked out which will render birth almost completely painless. If that day ever comes, it will be interesting to see what effect it has on the birth rate. I may be mistaken, but I am inclined to believe that if women could be absolutely sure of painless birth they would, particularly among the sheltered classes, be more ready to put up with the discomfort of the preceding months.

Birth, besides being the most painful, is certainly the most distorted of the natural processes. A modern delivery room, with its astounding array of implements, its blaze of light, whiter and far more intense than that of the sun, its huge mirrors, its masked and hooded attendants, and the concentrated essence of suffering that seems to permeate its white-tiled efficiency, is as impossibly nightmarish as any scene from one of Wells's earlier novels. But while I believe it would, on the whole, be an excellent thing if the pain of childbearing could be done away with, I must nevertheless admit that that very suffering does considerably enhance the ultimate beauty of the miracle. The old theologians showed insight when they spoke of the cleansing power of pain. After the agony is over, one does most literally feel washed out — cleansed within and without. For an all too brief space the mistakes and follies of the past are dimmed and one's own life seems to start afresh with the baby's.

III

Where can you find a greater miracle than the concrete presence, the infinitely delicate flesh and blood of a baby? It almost seems easier to bring the dead to life than out of a single tiny germ to create a whole new being — new in the most absolute sense of the term, since never before has just this congeries of potentialities been gathered into one small bundle of humanity. And what other miracle has the instant universal appeal of the miracle of birth? Wise indeed were the fathers of the early Christian Church who chose the Infant Jesus as the symbol of their religion. What other part of the New Testament drives as straight to the heart as does the picture of the worshipers around the Baby — a scene which every day is countlessly repeated?

New babies are perhaps not beautiful, but the fact of their existence is; and so, taken separately, are many of their features. All my babies have had hair, — lovely silken floss, — which not all new babies do. But all babies have their tiny perfections: infinitesimal finger nails and toenails, ears as absurdly lovable as those of kittens, skin unbelievably fine and soft, and, when they are kept as they should be, a warm and delicate fragrance. Then there are their little cat sneezes, their sudden cavernous yawns (which they always seem to consider a tremendous personal achievement), their India-rubber mouths, their mutable noses, and an utter dependence on the good will of humanity that wrenches the heart. There are also the resemblances to various relatives and ancestors that constantly cross their tiny faces. Some days the baby looks like an aunt, sometimes like the picture of its great-grandfather, sometimes like a brother or a sister, and finally, as one grows more accustomed to it, like itself.

There is, however, more to a baby than its flesh-and-blood perfections, satisfying though these are. There are the individualities which from its earliest advent mark it out as different from any other personality under the sun. Anyone who has had much to do with small babies will tell you that the lay idea that all new babies are alike is as fallacious as the idea that all Ne-

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groes are alike, or all Chinese. There are, of course, certain resemblances. New babies are all toothless, all more or less mottled and wrinkled, all have baby-colored blue eyes without vision, but their individualities are as marked as their resemblances. Even though they spend practically their entire time in slumber, there are decided differences in the way they sleep. Some prefer to sleep on their faces, some on their backs, some with their arms flung up above their heads, some with their fists clenched, some with their hands folded, and one at least — Powel, latest of miracles — with his tiny, long-fingered hands clasped over his eyes as if to shut out a world he regrets having entered. Perhaps some day psychologists will determine the character of the adult by watching the baby's habits of sleep.

There is individuality in the way a baby kicks and in the way it cries. I was once in a ward in a big New York hospital where there were twenty mothers and twenty babies. The ward nurse told me that by the end of the second day any ordinary mother could distinguish between her baby's cry and that of any or all of the other nineteen, which I can readily believe.

IV

To appreciate the fullness of the miracle, one must take care of the baby one's self. Other people can look after the house, but it is, I think, a mistake to surrender the privilege of caring for the baby. He will probably do very well under the ministrations of a nurse, but his mother is missing one of life's most poignant experiences. For unless she looks after the baby herself, she misses the day-to-day development, the growth and the unfolding which make looking after a baby one of the most fascinating of occupations. Then, too, she does not satisfy at the right time that feeling of complete possession which is a deep primordial instinct. A baby is intimately your own as is no other object in all the world. But it is only in babyhood that he is thus entirely yours, and I believe that too many mothers relinquish their babies to others during the only period when they can justifiably absorb them. Then later, when they should be relinquishing their children to themselves, such mothers allow their feeling of possession full and detrimental sway.

Looking after a baby is not the sentence to hard labor that the average doctor's manual or advertiser in the woman's journals would imply. In one book that I recently read the equipment for bathing one small baby took up three pages of description and would require a separate shelf in the bathroom to hold it all — which seemed to me more than a little ridiculous. Under ordinary conditions the equipment necessary for a baby's bath is only slightly more elaborate than that required for the average adult, and the bath itself is a simple and pleasing rite. It is the time when the baby is at his fascinating best, and his development — both mental and bodily — is most marked. No matter what of his care I leave to somebody else, I always give him his bath myself. If I do not, I feel that I am missing half the pleasure of having a baby. It does not take long. Indeed, as a rule, two hours a day properly distributed amply cover the time required for his actual care; and if anyone knows of a better or pleasanter way to spend two hours, I should like to hear of it.

Babies ought to be fun, and that they are not generally so considered is due, I think, to the doctors, who, in their eagerness to correct the hit-or-miss methods by which children used

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to be brought up, have now transformed the care of them into a duty to be performed with the meticulous exactness accorded to a laboratory experiment. As usual, the golden mean lies between the extremes. Babies need cleanliness, proper food, and a regular routine, but they do not as a rule need constant sterilization of everything that approaches them, complicated formulas, or absolute rigidity as regards times and seasons. There is no reason why the advent of a new baby should entirely dislocate family life; the sooner he adapts himself to the family, as he will, if given a chance, the better for all concerned.

Billy and Francis, and particularly John Robert, are eagerly anticipating the time when they can have our baby at home and show him to their friends. Their exclamations of delight as he curls his little long fingers around a none-too-clean boyish thumb, or of wonder at the softness of his cheek as a brown hand gently brushes its incredibly fine satin, absurdly bring the tears to my eyes. When Billy says, 'Hey, Mommy, the guy's making faces at me; he's giving me the razz'; when Francis says, 'The puppies were cute, and so are the kittens, but I think a little baby like this is the cutest thing *I* ever saw'; when John Robert is for once speechless before the perfection of tiny hands and feet, I realize that in their different ways they are all manifesting a really active pleasure in our miracle — a pleasure that will cease to be active if the baby at home lives in the scientific vacuum which seems to be the medical ideal.

V

A question which I had long ago discarded as solved rises up to haunt me as I lie here with little to do but think. All my adult life I have been an ardent upholder of the theory of birth control, and I still feel, as it seems to me every sensible person must, that unlimited procreation is a bad thing. But, the longer I live, the greater my wonder whether there is not more to be said for Nature's way of doing things than man in his wisdom is willing to concede. Certainly there are valid arguments against birth control, though the omniscient Mr. Brisbane's hoary chestnut is not one of them. For although it may well be true, as Mr. Brisbane ever and anon reminds us, that under an adequately organized system of birth control neither Napoleon nor Abraham Lincoln would ever have been born, yet it is more than possible to believe that Napoleon's eternal relegation to limbo would have been no detriment to the world, and it is equally possible to imagine that the loss which the world undoubtedly would have sustained had Lincoln never lived might have been amply compensated for by the scarcity of the Jukes and others of their kind.

To my mind the principal argument in favor of birth control is a general one — namely, that in time it will do away with hereditary disease and eventually, perhaps, will help to solve the slum problems in the great cities. My principal argument against it is a purely personal one — that under its benevolent tutelage Billy, Francis, John Robert, and Powel would never have existed. (It is all very well for the upholders of birth control to say that every child has a right to be wanted, but I should like to know what proportion of even the best-loved children were wanted in the sense of being deliberately planned for; what proportion were neither wanted nor unwanted, coming, so to speak, of their own volition; and finally, what proportion came contrary to wishes, hopes, and expectations. I venture to assert

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that the last group would equal either of the other two, if not both of them together. And even those children who are definitely not wanted win their way into the group of the most dearly loved.) For my own part, I am free to confess that not one of my children was 'wanted.' Not one of them was justified from the economic point of view (which of course is the sole criterion to the worldly wise), and yet there is not one of them who has not immeasurably enriched and deepened my life, and for whom I am not profoundly grateful. Perhaps Nature or Providence, or whatever gods may be, knew better what was good for me than did I, since I now find in my children my chief justification for existence.

I am, in fact, beginning to subscribe to a belief which I had hitherto been inclined to consider a relic of Victorian sentimentality — that children, more than anything else, represent the complete fulfillment of the normal individual. So much so, indeed, that perhaps we are wrong to desire a more thoroughgoing survival of personality than that of us which continues in our children and in our children's children. If we are sufficiently interested, we may thus ensure that the best of us, at least, lives on, while the unworthy perishes with the flesh. Rupert Brooke's well-known line, 'Their sons they gave, their immortality,' may be the expression of a truth more clearly recognized by the coming generation than by the preceding one.

I know a young man who has just completed his third year at a great state university. At twenty he has the pleasant poise that comes from an unforced and thoroughly adequate adjustment to the conditions of his life. Taken all the way round, he is the type described by his contemporaries as 'smooth' — which means that he somewhat more than lives up to the university ideals of good-fellowship without at the same time too much sacrificing his scholastic standards. In spite of his youth and his membership in the group type which ordinarily skims most lightly over the surface of the universe, he has always been interested in the things of the spirit, and is a young man to whom some form of spiritual life is of real importance. That the form alters from time to time is inevitable, but that the spiritual maintains its place in his cosmos is significant. Through his study of anthropology he has come to share the conviction that our only continuation of personality is through our children — a form of survival which he finds sufficient for himself, since he has no strong desire to continue his individual existence. I think he shows a mature point of view for twenty when he says he considers that the greatest contribution he can make to the world will be his children — that to bring up children who improve on their forbears will do more for the race as a whole than will any purely personal achievement. In other words, he believes that his children will represent his justification for existence and its only continuation.

Taking his fraternity as a typical university group, he tells me that only about a fifth of the men apparently give any thought to such matters, but that a good three fourths of the ones who do think about them share his views. If he is right, perhaps in time the low birth rate among the so-called educated classes may take an upward turn.

VI

There is still another reason for believing that the next few years are going to show an increased birth rate among the university group. It seems

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to me that the pendulum has passed the middle of its swing and is definitely toward the right, so that the women who fifteen years ago wanted to 'express themselves' in any way, so long as it was not through children, have been superseded by girls who show less interest in expressing themselves and more in — miracles. At all events, I have been somewhat surprised to find that the young people I know best show a real intention to establish families, and I have been astonished to find that, in spite of the depression, men and women alike are hoping for comparatively large ones.

I do not know whether this desire is Nature working through instinct to replenish a gap left by the war, or whether it is the result of loneliness in childhood, for members of the present college generation are rather apt to have been 'only' children, or else they come from very small families with a considerable interval between additions to it. At all events, the idea is a good one, for not only is the larger family group better for the children, — who are not so apt to be handicapped by an over-concentration of attention on the part of the parents, — but it is also better for the parents themselves. Having one or two children only is putting all your eggs in one basket. If anything happens to your one or two, your entire life is dislocated. If your family is larger, no matter how deep your grief, your life still maintains its continuity and direction. Its sheer momentum will carry you over the worst and support you until your daily living is no longer purely mechanical, and something of your old zest comes back to you. . . .

I wonder if there are other miracles which should have been mine — if in limbo there are still spirits which through the centuries have waited for me to evoke them. If I had left matters to Nature, perhaps the little girl for which my heart so yearns would even now be a member of our family. It is more difficult to evade Nature than Death. Death is sometimes cheated, but Nature never. Run counter to her, and sooner or later you pay a penalty. Perhaps my daughterlessness is the price I am paying. And yet, in this day and time, how is it possible to give Nature full and unlimited sway? It surely must be better to leave some spirits in limbo than to bring them into the world handicapped by heredity or by some grave deficiencies that are the result of one fundamental deficiency — the lack of money. Yet when I look at the baby, so wonderfully perfect, so fresh and sweet from the dawns of Paradise, I feel that one could never have too many of such miracles.

I look once again at the sleeping baby, miraculously compact of infinite possibilities, and my mind drifts toward the future. What does it hold for him? Sorrow and pain, I know. A fair measure of happiness, I hope. O years, be kind to him; he is so small, and so pitifully short the time during which I can protect him from life. To-day so tiny, so new a miracle, hardly later than to-morrow he will have grown a boy, and I must let him go as I am even now letting go his brothers, who already have their own friends, of whom I do not always approve; their own opinions, which often run counter to mine; and their own interests, about which I hear but in which I cannot share. The world of my love is already too small for their exclusive habiting, though I trust that they feel it as the secure background of their lives. But at present the baby is all mine, and for him, at least, I utterly suffice.

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CUBA LIBRE

BY BURNHAM CARTER

I

ABOUT noon the government declared martial law, and the cavalry clattered into the streets of Havana. They patrolled the main avenues in groups of six. That put an end to the street fighting for the day. I bought a special edition of the government newspaper — all the others had been suppressed — and sat at my desk reading the President's proclamation and the account of the early-morning riots. After a while Mr. Wilson came out of his office.

'Good morning, Warren.'

'Good morning, sir,' I said.

'They've declared martial law?'

'Yes, about an hour ago.'

'Hm.' He stared out of the window. He looked tired. Everybody looked tired. There was n't any business any more. Wilson had the best automobile agency in Havana, and he had n't made any money for five months. The last month we sold two cars; only the repair shop paid expenses.

'Here's a copy of the *Heraldo* with the President's proclamation, if you would like to see it,' I said.

'Does he say that he will continue to lead Cuba to prosperity on the basis of liberty and order?'

'Yes, sir.'

Mr. Wilson made a slight noise, but remained standing at the window without comment.

After a while he asked: 'Where's Luis?'

'He has n't come in this morning,' I answered.

'He's getting himself into trouble.'

'He feels very strongly against the President.'

'Nonsense,' said Mr. Wilson sharply. 'I mean, he can feel as strongly as he likes, but this is an American firm, and he must not involve us in Cuban politics. Last week the Secret Police sent me a warning about him. I called him in and told him that if he took part in any more revolutionary activities I'd fire him. If he was in those street riots this morning, out he goes. I can't take the risk.'

He made a step toward me nervously and then turned. 'I'm going out to lunch,' he said. 'I want to see Luis when I get back.'

'I'll tell him, sir.'

II

I waited for Luis. He arrived in about half an hour. His face was drawn and excited, and his eyes were a little wild. He was only a boy, really, but all the young students were like that now. The University had been closed for some time because there had been three outbreaks there.

'The great butcher!' Luis said. 'He's got the troops out.'

'Yes, I saw them,' I said. 'Have a cigarette, and don't get so excited.'

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He took a cigarette, but continued walking up and down.

'The Chief was looking for you this morning,' I said.

He stopped. 'Is he here now?'

'No. He's coming back after lunch.'

'Well, I shall not be here. I'm going to resign.'

'I thought you were going to earn some money, so you could go to America and study in a university.'

'That's all over now,' Luis said. 'There's only one duty for Cubans now.'

'You mean breaking street lamps?' I said scornfully. 'That's all you can do without the army.'

'After a while the army will join us.'

'After you are all dead, you mean.'

'Well, we are not afraid to die,' Luis said. He meant it, too. Most of them did n't mean it — that was the trouble. The good ones, like Luis, would be killed. The rest of them would continue to talk about it over their cocktails at the Yacht Club.

'Listen,' Luis said, bending forward to whisper. 'You are my friend, and I will tell you this: there are ten thousand students in Cuba, and by the end of the week they will all be armed.'

I wanted to swear at him, I was so fond of him. 'Shall we have lunch, Luis?' I asked.

'Thank you, I can't now. I'm going over to join them. I shan't see you for a while, Jimmy.'

I stood up, and then wanted to sit down again, so I sat on the edge of the desk.

'I wish you would stay,' I said.

'You're an American, and you don't understand. You don't care.'

'I care about you, Luis. And it is n't a question of whether you're right or wrong. It's a question of what you can do about it. It is n't going to do any good to have you parade around the streets and get shot or get put in jail. You have n't any weapons or money, or any real leaders, and the army is loyal to the President. Every month now for a year we've heard that story about the students getting armed.'

'It's true now,' Luis said. 'The arms are stored in an empty factory in Havana.'

'Maybe a few,' I answered. 'You can't fight an army with them.'

'We shall do what we can.'

'I wish you would wait awhile.'

'I am going now,' Luis said. 'Goodbye, Jimmy.'

I put my arm around him. 'Goodbye. Good luck,' I said.

III

In the afternoon Mr. Wilson closed the office early. I drove my car out through the town. It was very warm. There were blotches of sweat on the brown uniforms of the cavalrymen. The broad Prado with the tiled walk in the centre was almost deserted by cars and people. Now that the city was quiet, the shops had rolled up the steel shutters from their doors and window fronts, but there were few people going in.

I went up the Malecón along the sea, then through the residential section of the Vedado, toward the bridge over the Almendares River that separates the city from the countryside and the bathing beaches. The police were stopping the cars on the bridge and searching them. One of them looked at me, muttered 'Americano,' glanced at the back seat, and motioned me on. Here, too, the avenue had a promenade down the centre with palm trees and fancy hedges and plots of many-colored flowers. The road was lined on both sides with Spanish laurel trees. The

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world lay clean and bright beneath the sun, and the sea was at my right hand, all the way, very blue. It seemed too bad.

At the Yacht Club only a few people had gathered. The crowd would come at six. Then the club would gleam with lights, the young señoritas would throng the *terraza* and sip sweet drinks, the young men would talk to them or join the group at the bar, the sailors would tie up the boats. The sea would grow quiet and dark, and the club noisy and glowing.

This was the way it always was when I returned from my sail and plunged into the water, swimming beneath the surface and rising to head slowly toward the pier. This was the way it was now as I came back to the locker room to dress; only everyone was talking more than usual, and the bar was jammed.

Rumors ran thick and fast: so-and-so was in jail, three opposition leaders had been shot in their rooms in Camagüey, a student was being tortured for the names of his comrades — lies, most of them, but gaining credence with each repetition. They were all against the government and were waving their hands and explaining what they would do to free Cuba from tyranny. They became excited with their drinks and said they would kill — kill — the President, and, when he was dead, they would drink champagne.

I had heard it before, and so I went home very soon. In the night I was wakened by two distant explosions. They were small bombs, probably; every other night we heard them. They did a little damage and kept people restless; but it was a mean way to fight. Luis said the opposition leaders were against it, but they never condemned it in public. Luis ought to leave the country. . . .

I tried to go to sleep, but kept waking up at intervals, and in the morning I was tired. It did n't make so very much difference, because there was n't anything to do at the office, and Mr. Wilson closed it early again. I went to the Yacht Club because I thought I might pick up some news of Luis, but I heard only rumors.

IV

The next afternoon the office boy brought me a visiting card which bore a man's name and in the corner the words *Policía Secreta.*

'I'll see him,' I said.

He was a slight man with one of those faces that assume an honest expression like a torn mask through which dishonesty is only too apparent. He was very polite. He was sorry to bother the Señor.

'That's all right,' I said.

'You have working here a young man named Luis Riva?'

'Not any longer.'

'Ah.'

'He resigned Tuesday afternoon. We have not seen him since.'

'I should like to get a little information about him, and perhaps search his desk.'

'It would be better if you spoke to the manager of our company,' I said.

I led him to Mr. Wilson and explained. We sat down.

'Before we begin,' Mr. Wilson said, 'perhaps you will tell us why you want this information about Luis Riva.'

'Conspiring against the government,' the man recited. 'Inciting to revolt. Violation of the law of explosives.' He pulled a handbill out of his pocket and gave it to Mr. Wilson. 'This is what he and his friends are distributing.'

Wilson glanced through it and then

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passed it to me. It was headed: 'STUDENTS — TO ARMS!' It exposed the crimes of the President and called upon every young Cuban to arm himself and prepare to overthrow the government by force at a date to be announced later. It was signed by a committee of six, of which Luis was one.

They had him now. While this administration lasted, he would be either a fugitive or a prisoner, or maybe dead. I probably should n't see him any more.

'Four of the committee we already have,' the man said. 'We do not expect difficulty in getting the other two. Perhaps you can be helpful.'

Mr. Wilson said nothing. The man asked a few questions. It was easy, because we did n't know anything about Luis's plans anyway. I could see that the police agent did n't believe us.

'Where was it you saw him yesterday?' he asked as he rose.

'Perhaps you did n't hear me,' I said. 'I told you we had n't seen him since Tuesday when he resigned.'

The man nodded and looked at Mr. Wilson. 'I shall have to search his desk,' he stated, 'and my assistants your office and shop — both floors.'

'You have, of course, a warrant for this search of my property?' Mr. Wilson said.

The man smiled thinly. 'The Señor will remember that the Constitutional Guaranties have been suspended.'

Mr. Wilson went back to his desk. The agent and his assistants searched the office, but did n't find anything.

V

That was Thursday. On Friday night the opposition leaders proclaimed the revolution and sailed away from Havana in a yacht to collect their forces down the coast. They landed the next morning. The country did n't follow them. The army stood by the President, and the people did n't seem to want to die for liberty, even those who talked about it. It was n't my country, and I did n't care. But I was wondering about Luis.

That morning Mr. Wilson did n't come to the office. I let it remain open for a while just to keep the workers calm and give them something to do besides talk. There was continual firing on the outskirts of the city. At first they said an opposition force was attacking the town. Later I was told that the police had discovered an arsenal with some rebels in it and had surrounded them. Then I remembered what Luis had told me about the arsenal.

I closed the shop and drove out toward the firing. Several blocks away the police had established a cordon, and no one could pass. I parked my car, and as I turned toward the sidewalk I saw Emilio Fuentes sitting in a café opposite. He was Luis's cousin. I entered and spoke to him. He had some coffee in front of him. He looked nervous and scared.

'Sit down, Jimmy,' he said. 'I'm glad to have an American sitting next to me. They don't bother you, do they?'

'Sometimes,' I said. 'What's happening?'

He apparently wanted to tell me something, but he did n't know whether he should.

'Where's Luis?' I asked. 'Is he doing this shooting?'

He looked around and nodded.

'Is he defending the arsenal?' I inquired. 'He told me his plan.'

'Oh, he told you,' Emilio said, relieved. 'He told me not to tell anyone outside the group. He's going to be killed.'

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'Where is the arsenal?'

'It's in that abandoned cigar factory on the water front. They've been shooting for two hours.'

'How many are there with him?'

'I don't know. Maybe twenty or thirty. He said that last night two hundred students were going to meet there and get their guns, and that the police would join them.'

'And nobody came?'

'We were going, but the police got there first.'

'And you were afraid they would n't join you?'

He did n't answer. He looked as if he were going to cry. But he made me sick. They all made me sick.

'Discreet,' I said, 'but not courageous.' I got up.

'Where are you going?'

'I'm going to watch it from our warehouse.'

'The police won't let you through.'

'I have a military pass, and besides, I'm going there on business. Do you want to come?'

He shook his head. 'They would arrest me. You 're an American, and that's all right.'

I went out and spoke to a policeman. Before I finished I was talking to five of them, but they let me through.

'It's dangerous,' the captain said. 'There are lots of bullets flying around. There must be twenty men in there.'

'The warehouse is between me and the rebels, and it's two blocks away,' I said. 'There's no danger.'

VI

The warehouse was deserted. Everybody was in a café across the street. On the first floor there were about a dozen cars draped in white coverings. The shooting outside sounded thin and sharp.

I continued upstairs, and then up a ladder to the roof. I lay down on the edge of the roof and looked out.

The factory was a limestone building set more or less by itself. The windows of the second story were all broken. As I watched, a gun pointed out of one of them and fired. I could hear the bullet spit on the sidewalk or the street.

There were police and soldiers everywhere. They had machine guns on two houses, and every time a shot came from the arsenal they would hammer away. There must have been a hundred and fifty police and soldiers. Not one of them was taking any chances. They stayed behind something and fired when they saw a gun in a window.

Since it could end in only one way, I thought it would be better if it ended quickly. I thought the soldiers should use bombs. But they just kept on shooting. The men in the arsenal rarely fired from the same window twice in succession. That seemed to bother the soldiers. Once I thought I saw Luis, but it was so far away that I could n't be sure. I saw four soldiers hit. Apparently the soldiers were given orders after a while to fire at the windows at definite intervals. There was a lot of shooting.

I became very stiff and lay on my back for a few minutes staring at the sky. The shooting from the arsenal was less frequent. They must have killed off a few of them. I supposed that the rest would not surrender now because they thought they would be shot anyway, once the soldiers entered the building. Besides, I did n't think Luis would surrender. He was the best Cuban I had known.

It was getting late. I looked at my

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watch and found I had been there six hours. The lack of lunch and the persistent rat-tat-tat of the rifles and machine guns had given me a headache. The men in the arsenal were still firing, one shot at a time, and from different windows. If there were more men like that, like Luis, they would win their revolution. But there were n't any more. It was all such great folly, such great waste.

Then the gunfire from the arsenal stopped. The soldiers and police continued theirs intermittently for about half an hour. They were afraid of a trick. Then they stopped, too. After a few minutes about twenty of them ran across the street to the door of the factory. Nobody shot at them. They broke in the door, and about fifty more soldiers ran across the street and joined them. They disappeared in the building. There was n't any more shooting.

They found only two men in the building, both dead. The doctors said that one of them had been killed at the start. The other was Luis. He had been hit eleven times. That was what slowed him up at the end. He had kept a hundred and fifty men at bay, running from window to window to fire his gun, as if there were many men in the arsenal. He had done this for eight hours until he died.

The sun was down when I went back to the car. The soldiers were still standing around the two bodies in the street.

I drove out to the Yacht Club slowly. The bar was pretty well filled. Some of them were the men Luis had been waiting for. I went on down to the pier, which was deserted at this hour, and where there was no sound except the chopping of the moored boats in the dark.

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HALT AND PARLEY

Good Toll-Gate keeper, kindle a light!
The Sun has fallen: full sudden the Night:
(He seemeth some ancient anchorite
Who broodeth, and heedeth us not.)

He heeds.
Stay by the Gate and tell your needs!

Sir, we would learn the lawful toll.

How many travelers?

Body and Soul.

How long have you journeyed together thus?

All Day, and nothing shall sunder us.

How have you fared? Was the roadway rough?

Some miles were stony and steep enough.

But why have you toiled and suffered so?
And whither is it that you would go?

Our goal is a vision that vanisheth.
To pause is to perish: devouring Death
Would slow our pulses and choke our breath. . .

Tollman, teach us your name! A sage
Are you, acquaint with our pilgrimage?

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No sage, yet mayhap wiser than Man,
Torn with a doubt since Time began:
Man the afraid, infirm, impure!
Yet how he can love and how endure, —
Endure to the end and arise again,
Victorious victim of passion and pain. . .

Motley the breed that mount to my Gate:
They fear their fate, yet they face their fate.
Of Radiant Heat and Primal Slime
Engendered, hither they creep and climb, —
Ether and earth, perverse, sublime! . . .

The Ongoer made me His Deputy here:
Who payeth may pass, though he reckon it dear, —
His quittance from clumsy, cumbering gear.

You are Death?

I am Death, Devourer and Foe
Or Friend and Deliverer: how may ye know? . .

Slowly the Gate swings for entrance — and end:
The shrouded way waits, unposted, unkenned;
Time's phantasies fade: the Reals impend. . .

Let the toll be taken!

Nay, gallantly dare
The dark passage, Soul! Body's paid the full fare —
Poor clod — while you've parried and parleyed out there.

George Herbert Clarke

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THIS ECONOMIC NATIONALISM

Where Is It Leading Us?

BY W. Y. ELLIOTT

I

WHILE the London Conference staggered on from crisis to 'adjournment,' one general conviction that began only as a prophetic and pessimistic surmise has quietly grown to a certainty. Put brutally, it is that — barring a political miracle — the whole world is in for the worst dose of economic nationalism that it has ever seen. Worst, because it will be deliberate; because the tools are at hand to make it more absolute than ever before; and because the conditions are present that will probably make the resulting dislocation of existing national economies more painful than ever before. Mr. Roosevelt has already shown that political miracles are not impossible. But if he is pushed so far along this path that there is no turning back, what effect will this deliberate autarchy for national systems have on the political institutions which we have inherited from liberalism?

There are a number of different sorts of people who are prepared to take a most cheerful view of the prospect of each nation fending for itself in a programme of what might be called, paradoxically, universal isolation. The *Saturday Evening Post* has been exerting all the power of its most skillful propagandists in playing on the fears of the American people that they are being sold out by a doctrinaire 'free-trader' from Tennessee. Without naming names, it is made clear to any patriotic reader that here is a tragic reversal of the old order: a remorseless, free-trade Simon Legree about to sell our poor old unemployed Uncle Tom, still a staunch protectionist, not 'down the river,' but 'over the water.' All the bogeys of protectionism have been agitated, and most effectively, to show how the honest American workingman would have to remain forever workless if Secretary Cordell Hull had his way. The most remarkable economic analyses — what one of our most acute critics has called 'a commercial traveler's economics' — have been produced to prove to the lay mind that no part of America's treasure came from foreign trade: it was all, like a waiting opportunity, to be found on our own doorstep, in that endless storehouse of wealth, the United States itself.

Nor do these efforts lack support from other quarters. It is fitting and natural to find Mr. Garvan of the Chemical Foundation doing a little patriotcering along these lines. The Chemical Foundation, it will be remembered, was Mr. Garvan's post-war creation to consolidate in the public mind the gains in a national chemical industry which he had been able to engineer as Custodian of Alien Property. The origins of the Chemical

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Foundation would lead one to suspect, therefore, that all Mr. Garvan's ideas, both of prosperity and of property, are overcast with the rich emotional hues of nationalism.

But the importance of this propaganda does not depend on its backers. Since the American farmer embraced the tariff, the case for freer trade has seemed hopeless. Nationalism is a good vote-getting lure, and Mr. Roosevelt, a shrewd politician, is necessarily not blind to that fact. Whatever concessions he makes to the school who hold that a restoration of world trade is necessary to national revival, it is certain that he will have to talk in the most nationalist tones in doing so.

The challenge to the 'economic internationalists' takes on an air of academic respectability, to add to its political appeal, when the Dean of the Harvard Graduate School of Business Administration joins forces with the advocates of economic isolation for the United States. In a speech which was distributed widely by the patriotic Mr. Garvan, Dean Donham recently set himself to analyze 'International Idols and National Ideals,' much in the isolationist vein of his previous writings. Dean Donham wants controlled economics. To him that means national self-sufficiency as nearly as may be, for only inside the nation can planning be effective.

The march of events seems quite likely to bring about the hopes of the economic nationalists of all camps. The question then becomes: What will that state of fact — namely, the practical cessation of the exchange of manufactures between countries which are capable of producing them *at any cost* — mean to the political set-up of those countries and of the world? And on the economic level will this result, at least for the United States, in a more stable internal economy, without any substantial reduction of living standards? Finally, is it true that nations will go on exchanging basic commodities just the same, since these are raw materials and *ipso facto* on the 'free list' even of protectionist countries?

II

At the outset one ought to note that the doctrine of national self-sufficiency is not as much without the support of academic economists as its advocates seem to think. Dean Donham, for instance, feels, on good evidence from the volume of published work, that Sir Arthur Salter is the common prophet and guide of the academic economists; and it is against Salter's well-known arguments that he himself is mainly tilting. But he has a doughty enough champion of his own among the economic theorists in Mr. John Maynard Keynes, though it is true that Mr. Keynes has been considered a heretic as much as a prophet by his brethren of the academic robe.

Not only has Mr. Keynes been the enthusiastic partisan of so 'managing' the dollar and pound as to raise world prices. In a recent contribution on 'National Self-Sufficiency' to the *Yale Review*, he announced a conversion that is most revealing of what has been gradually happening all over the world. He offers his apologies to Mr. Baldwin for having, in 1923 and later, denounced the Tory policy of tariff protection and inter-imperial preference as merely muddle-headed and stupid. He would no longer charge the Conservative leader with being 'a victim of the Protectionist fallacy in its crudest form.'

The politician, he confesses, was really guided rightly where the economist erred. By the same sort of instinct, one gathers, which guides pigs to truffles, Mr. Baldwin followed his nose to the right national policy. For, con-

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cludes Mr. Keynes, it is no longer in our complicated world of industrial nationalism just a question of producing goods where they can be made most cheaply and exchanging them on that basis. There is also the question of maintaining a socially useful balance of population, of farmers as well as industrial workers, and so forth. There is furthermore the necessity of shielding the great industries of a nation from the dislocations and upheavals attendant upon changes in foreign tariffs and monetary policy. For over these, as England's painful experience proves, it has no control. Further, there may be a real danger from goods produced by 'coolie labor' in modern factories. Japan *can* undersell Manchester and throw hundreds of thousands out of work. Even in the realm of international peace and security, Mr. Keynes finds, there is more to be hoped from fairly self-sufficient national or imperial systems whose stake in loans and foreign trade has dwindled to a minimum. They will not be so imperialistic in protecting foreign interests. It is interesting to notice that Dean Donham had closely paralleled these arguments for several years in urging his policies on the United States.

This recantation — or, as Mr. Keynes would call it, 'reorientation' — is interesting enough if only as showing that at least one economist has become aware that his science depends upon hypotheses which are conditioned at every turn by motives which are political rather than economic. It would be unfair to suggest that Mr. Keynes, who has been right more often than most in post-war prophecies, was unaware of this fact. His past record lends an added interest, as an interpretation of tendency and an apology, to his present restatement of the case for economic self-sufficiency for nations. His views have the greatest practical interest for Americans, since it was quite obviously on the economic theory associated with Mr. Keynes that Mr. Roosevelt acted in refusing to give any comfort to the London Conference about stabilizing the dollar in terms of gold.

The administration has already moved definitely some distance along the road marked 'Autarchy.' Mr. Roosevelt did not ask Congress for those blanket powers for tariff bargaining which alone could have been effective in pulling down some of the walls against our exports. The assistance of the Department of Commerce to our exporters, which bulked so large under Mr. Hoover, whether from motives of economy or of policy, seems to be marked for budgetary destruction. If we are to follow this road to the sacrifice of foreign trade and the complete closing of our own market to others, where will it take us? Why, indeed, should we take it? Is it a fatal necessity?

III

As to the necessity of isolation, we are told that it follows inevitably from the present impossibility of foreign trade. First of all, it is commonly held, the breakdown of the gold standard, the continuance of which was a condition of the stability of international trade, is merely symptomatic of the failure of international *laissez faire*. Now it might be pointed out that what has broken down, contrary to the views of the isolationist school, is certainly not international *laissez faire* and a free world market; for that hardly existed in fact at any period, and the remnants of what did exist disappeared with Britain's acceptance of thoroughgoing protectionist tariff policies, after our own Smoot-Hawley folly. What really has broken down was an effort to combine international trade and lending,

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and the gold standard for exchanges, with an increasing degree of national self-sufficiency. In any event, the facts being what they are, we are told that the cure is more thoroughgoing national self-sufficiency. On that basis we cannot even hold out a promise to stabilize foreign exchanges till we have settled our own domestic difficulties. Mr. Roosevelt appears to have accepted this reasoning.

Where does this lead, and how far? Those who think in economic terms, like Dean Donham and Mr. Keynes, have no doubts that this involves planning in the national or imperial systems under economic autarchy. Remove the control of world prices along with the gold standard, and one must 'manage.' But what one may call the *Saturday Evening Post* school does not dream that this economic isolation will require anything that might be called real state capitalism, much less socialism. This school would allow internal prices to be governed by the purely economic forces of the domestic market, with some aid from statistical forecasting services and the like, *and* from combinations of producers. This would not require a dictatorship, because it is assumed that *within* the national system uniformity of monetary policy and freedom of exchange would be assured. Free business once more of restraints on industrial combination, and it will manage itself. It is really only a new version of the Republican Party's faith, 'Protect the domestic market, and we will take care of the rest — including prosperity.' But it is a *new* version, since it begins to recognize that we cannot at the same time either lend abroad or be repaid for past loans. The administration has taken the matter further by blanket codes under the National Recovery Act, though it still depends on the pressure of propaganda. And it has hardly begun to face the struggle with labor or with the evasions of employers.

Dean Donham has moved several points beyond that. He sees the necessity of more governmental action than tariff walls provide in order to isolate and insulate the domestic producer. He is even prepared to talk of planning, and to contemplate the regulation of 'home-produced crops,' apparently along the lines of the present National Industrial Recovery and Farmers' Adjustment Acts. He is willing to set up a National Planning Board, though he conveniently fails to say just what coercive powers and sanctions he would place in its hands. War measures seem to be in order 'for the emergency' instead of 'for the duration,' but he obviously looks to a resulting 'equilibrium' when these powers will no longer be needed, one which 'will free the energy and initiative of individuals.' Apparently one wing of the economic advisers connected with the New Deal rather hopes that 'recovery,' once accomplished, can be left alone in this way.

Even Mr. Keynes, who has written a brilliant obituary for *laissez faire*, still has a faith that economically self-sufficient nationalism may leave some remnants of the old nineteenth-century liberalism untouched. He admits that state planning will become state capitalism, and that the price mechanism will have to be politically controlled. But he still hankers for some sort of economic limits to the 'managed currency' of the state. In his recent *Road to Recovery* he reintroduces, strangely enough, a revised version of the international gold standard. Rather wistfully he looks also toward some lowering of tariff barriers as the condition necessary for the working of his revised 'gold standard.' The fact is, as the London Conference has shown, that one cannot have one's cake and

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eat it too. Once destroy the stability of exchanges through embracing divergent currency policies, and there is no way to come back to the economic stability of a gold standard except by giving up this divergence and agreeing to limit domestic policy to fit a world market and a world price level. The essential conditions of any workable gold standard lie in renouncing national sufficiency and 'managed' price levels.

IV

Here, however, I am more concerned to show, by analyzing the American position, and incidentally the British, that neither Dean Donham nor Mr. Keynes really has the faintest comprehension of what a fundamental change this deliberate economic nationalism will mean to political systems. They both expect representative institutions to survive and constitutional protections for personal liberty to be preserved. Mr. Keynes voices some pious warnings against national 'silliness,' too much haste, and against allowing national self-sufficiency to destroy the freedom of thought and the scientific attitude which the old liberalism cherished. With Hitler and Mussolini in mind, and with what he regards as the horrendous example of Russia before him, he inveighs against letting 'planning' turn into dictatorship.

Can it avoid this metamorphosis? Is not the very essence of control the ability to coördinate by coercion?

One can, on the evidence available, be assured that the genii of national self-sufficiency, once loosed, are not to be rebottled by any preachments of liberal social ethics. They become identified with a programme and a party that must not be opposed. National prosperity becomes an end in itself. With all the world actuated by similar motives, survival means war measures, war attitudes, suppression, and dictatorship. Since the standard of economic life depends upon the success of state management of the domestic economy, the main function of the state comes to be that of forcing the recalcitrant elements into line. Since it must assure its own control of raw materials, instead of depending upon an accessible world market, it must extend political control over the whole economic system, as Japan has done in Manchuria. One is no longer protected from state force by having price levels left to the general play of economic factors. Prices become the perpetual plaything of politics. The issues involved become too crucial to be left to settlement in the democratic manner of counting heads. Heads must be bowed — or broken.

National self-sufficiency leaves no room for the domestic luxury of liberalism. It means, if this analysis is correct, national state capitalism or socialism. The ruling class may be Communist or Fascist in its class sympathies or its technique. But it will, in either case, certainly enshrine *étatisme* as a political religion and will tolerate no free critics like Mr. Keynes.

For the 'home market' interests, these results would be like digging one's own grave. The hand of government in business will not — indeed, cannot — stop at occasional guidance and interference. It will necessarily have to take over control along with responsibility for results. Politically, the 'coördination' which Dean Donham wishes to see undertaken is very unlikely to be guided by the Harvard Business School. A more active and a more political lot of oligarchs will do the 'planning.' And as planning is necessarily a highly centralized performance, and an executive function, if it is to be done efficiently, it cannot be the sport of Congress.

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V

What elements in the economic situation of the United States produce this somewhat harsh political forecast? First, the fact that even the United States is far more dependent upon foreign trade and the world market than the usual figures would lead one to believe. It is customary to treat the stake of the United States in foreign trade as very slight, since our exports normally do not run to more than 10 per cent of our per capita production, and were in 1931 only 6 per cent of that production and only 4 per cent of our per capita income. The bulk of the post-war period is dismissed as 'exotic,' probably the product of the artificial stimulus of a competition in foreign lending. Without artificial aid, it is asserted, we could not have attained a total foreign trade in exports and imports of almost ten billion dollars a year. Granted an unwillingness to take goods in return for our exports, this thesis is probably true.

However, a little study of this method of reckoning the unimportance and the artificial character of our export trade shows its inadequacy, even its distortion of reality. For a twenty-five-year period our exports increased steadily, running some thirty-four billions ahead of imports. It is true that the war and loose lending were tremendous factors. But national economic growth was the essential cause. Had we been prepared to open our markets more widely, the growth would have been normal.

Nor do the blanket figures for total production reflect anything like the true importance of the change in our national economy that cutting off this flow of exports and imports would mean. Cut off this fertilizing stream, and not only the railroads and transportation system are seriously affected; all the indirect contributors suffer also.

What is more important, once we lose our markets in the growing countries of South America, in the Far East, in Canada, they are hard to win again. Almost deliberately we renounce our natural share in the certain future expansion of world trade. Contrary to the views of the isolationists, the gradual industrialization of the world in the last half century has not diminished the flow of international trade. Rather, it has shifted the character of exports and imports, but tremendously increased their value through the rise in purchasing power that accompanies elementary industrialization in countries like India and China.

The case for exports of manufactures sums itself up about like this: in many fields, such as the automotive and radio industries, and those which have to do with electrical equipment, machinery, typewriters, cash registers, and office appliances, the superiority of the American products had won natural markets. These will in large part be permanently lost if we cut ourselves off from imports from the countries to which we sell. If we will not buy Swiss watches, or the products of the Argentine, we must cease to sell automobiles and machinery. And while the export of manufactured products runs under 10 per cent of our total production *of all articles*, on many articles it was the profit-producing margin whose loss has meant serious curtailment and even failures. In important lines of machinery it averaged for many years almost half the total production. The dislocation resulting from losing these markets means more unemployment and lowered standards of living.

But it is in the field of commodities that the isolationist arguments are most seductive and most fallacious, since

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they fail to take into account political repercussions in the economic sphere. The argument is that basic commodities, being the raw material and not the manufactured articles, will continue to flow in international trade without serious interruption. We are told that 65 per cent of our imports remain on the free list. Of course, the higher the tariff, the more nearly this figure might approach 100 per cent, since under complete 'protection' only free-list goods could be imported. But the protectionist theory for thus closing up our 'Chinese Wall' tariff system is that foreign countries must still continue to take such things as wheat, wool, cotton, and metals duty-free from us since they need them for their domestic manufactures. This, of course, is based on an assumption which rising costs in the United States have already rendered untrue for wheat and most of the minerals — that we can still compete in these products.

Yet, there was much truth in this picture so long as we continued to invest capital in countries which could not pay us in goods for our exports. We could always 'dump' surplus in order to lend. But that system broke down when it became evident that we should not be able to collect even the interest without taking more goods.

Another factor of major importance has intervened. We were once able to clear through Great Britain, who acted as a sort of general triangulator of trade. To a smaller degree, France and Holland performed similar services. They sold us enough as brokers of services, or in the way of tropical and quality products, to take up some of the strain. And we invested heavily in their industries and in their colonies, which were indebted also to the parent countries, and so helped to clear the balance. But it could never be righted as long as we had an export surplus that not even our hordes of tourists could collect abroad. And when Great Britain began to close up her Empire as best she could, the possibility of anything like general trade triangulation vanished.

Even more unfortunate for the isolationist thesis that commodities will not be affected was the effect of the Ottawa Conference on Great Britain. England *did* put tariffs on most of the important commodities, and deliberately turned to her Empire in the hope of developing there what she had bought from us. Even where tariffs were not imposed, as they were not for cotton, she has strained every nerve to develop her total needs within the Empire. Egypt and the Sudan are being supplemented by cotton culture in other parts of Africa, in the middle East, and particularly in India. The demand for American cotton in England has dropped until she lags behind Japan and Germany, and will soon take less than half her former share of our crop. When we complete our exclusion of her manufactures, she will be forced to rely on her Empire and on other sources that are even now being rapidly developed. France has just called a Colonial Conference to imitate the British example.

The countries of Europe which have no colonies cannot develop sources of their own, but neither can they so readily pay for wheat, sugar, and cotton from us if we will not trade in return. They are being steadily forced into costly farm production and to the use of substitutes of every conceivable sort. And Japan, who is just beginning her imperial schemes, will follow England toward a self-sufficient Empire, perhaps carrying a large part of China and the Pacific countries in her wake.

We may expect, then, to see a huge staple crop like cotton, of which we export 50 per cent of our production,

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sadly hurt if we pursue the policy indicated. And the same thing applies to other commodities, though not to the same disastrous extent.

On the other side of the tariff ledger is the American 'free list' for imports: it would not be long before this list would be drastically impaired if we were really to 'protect' all our own possible producers of commodities. It is equally certain that we should no longer be content to depend on the British and Dutch East Indies for rubber, but would cast about to develop a supply under our own control. The era of 'direct' imperialism might well return. A real self-sufficiency could be obtained only in that way.

VI

What would be the economic results?

In the first place, we should have to write *off*, instead of writing *down*, the great bulk of our foreign loans, private as well as public. With a policy of anything like reciprocal trading, we can collect the greater part of them. With a policy of economic self-sufficiency, repudiation by the debtor is the only course open. Admitting that we have already, through political mismanagement of the same protectionist sort that saddled the whole world with tariffs, lost the bulk of our war loans, — something over ten billions, — it seems little short of madness to throw after them over fifteen billions (some estimates are nearer twenty billions) of capital privately invested abroad. The total of all our foreign lending is about equal to our national debt at its maximum. We are invited, in fact, to forgo a sum that would approximately retire the national debt, and the greater part of which is certainly capable of being collected, even under a tariff structure like that of the nineteen-twenties.

But dislocation of a financial character would be less drastic in its results than would the other effects of a steady drying up both of exports and of imports. The estimate of the Department of Commerce that at least 2,000,000 workers were, even in 1932, directly concerned with foreign trade, and that another 1,250,000 depended indirectly upon it, can hardly be controverted. Some very sweeping action by the state would be necessary to absorb into employment the sailors who would be jettisoned, the cotton and wheat growers, the miners, the transport and industrial workers, who would have to look elsewhere for employment.

If we are really prepared to follow the route of a managed, isolated, and self-sufficient economy, we cannot go on forever patching up permanent shifts such as those would mean with 'public-works programmes.' The programme would become so vast that inflation and taxation would destroy or drive away private capital. The state would have to assume ownership and operation; to reorganize on a gigantic scale comparable to that in Russia, and far more complex. I cannot see how the results would be readily distinguishable from those in Russia, since state-owned corporations divorced from the ordinary mechanism of price would inevitably have to reflect social policy in the allocation of workers and of capital. One might hope for more intelligence in the operation of the state corporations, and one could certainly count on starting the experiment farther from scratch than was the case in Russia. But the evils of bureaucracy and the need of an all-powerful state machinery of control would be the same.

Now variations on this theme may hold no terror for Mr. Keynes. But this sort of result is not, I feel certain,

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what the *Saturday Evening Post* hopes for. It is perhaps a little sweeping even for Dean Donham, who urges an empirical temper and a proper caution. But the momentum of an economically self-sufficient America, in a world already so inclined, would be overwhelming in that direction. How long our traditional institutions would stand in the face of a public always liable to hysteria in the pursuit of efficiency can only be surmised. Federation would disappear entirely. There would, of course, be struggles with the Supreme Court and with Congress; but an executive who proclaimed a national emergency and the need of undivided counsels and swift action could hardly be balked. Once it became evident that the ability of the government to borrow had vanished, the rest would follow rather swiftly. The certain way for Congress to dig its own grave and to prepare the way for some dictatorial council of national planners is to push forward to an isolated and managed national economy, free of all the checks imposed by the gold standard through world price levels and foreign trade. The danger lies precisely in the political seductiveness of crying 'Down with international conferences and the tricky foreigners!'

So far Mr. Roosevelt has held his hand, except to indicate that he was not prepared to let the Gold Bloc in London dictate the price levels of stabilization in the United States. If that was strategy to force them to a bolder international programme for raising commodity prices, dangerous as it was, it may have been justified. The tone of his communication was taken abroad rather as an indication that he was unwilling or unable to put limits to the present speculation or the degree of inflation in this country. If that were correct, it would be a calamity, for he would then be forced by the ruthless pressure of the economic effects of such nationalism to adopt the self-sufficient attitude of a 'planned' economy.

Recent indications and the need of new financing operations by the Federal Government lead one to believe that Mr. Roosevelt is not unaware of the dangers involved in uncontrolled speculation, based on inflation. But if we cut off our economy from that of the rest of the world, a major check will have been lost.

VII

At the present moment the only hope of saving something from the wreck of the London Conference is to join forces with the British Dominions and the 'sterling' countries, who hold a somewhat intermediate position. If England can be brought to support a wisely directed *economic* as opposed to a purely monetary inflation, through state expenditure as an agreed international policy, central bank coöperation with these powers to hold the dollar and pound at about their present purchasing level in terms of gold would force the gold powers to an eventual stabilization and perhaps to action in the same direction. France has indicated sympathy with at least the programme of public works. Great Britain's hand, despite the orthodoxy of Neville Chamberlain, Walter Runciman, and Lord Hailsham, may be forced in this direction by India and the Dominions. The alternative of Empire planning runs into Walter Elliot, Minister for Agriculture, and the British farmer at home. France could, in that case, hardly resist the programme of raising prices, which Mr. Roosevelt holds essential. No doubt it is essential, but it must be *controlled* if it is to be of any use, and it cannot be effectively con-

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trolled without the international gold standard.

At the same time, within such countries as accepted this programme, a beginning could be made with really useful tariff bargains. Certainly agreements to examine and revise the crippling abuses of tariff administration are not impossible. We are in a position to make a strong bid for an extension of the Ottawa agreements that would restore our access to the great markets of Canada and the United Kingdom, especially, and to much of the rest of the Empire. With countries on the sterling level and with South America, we are now in a position, through the stimulus of commodity prices, to resume trading, lending, and the receiving of debts. Some domestic management through agreements like that of the wheat-producing countries is required. The N. R. A. has shown a proper concern to get consumers' purchasing power once more to work. But we cannot, without disaster, attempt to cut ourselves off from the whole world, including our nearest neighbors and our natural customers. Above all, we cannot isolate our price levels from those of the rest of the world without economic dislocation and political absolutism.

The curious attitude of protectionism is that it must have the whole hog — that is, the total domestic market. But that market, which is rigid and even dwindling under the effort to cut it off, expands and fertilizes domestic as well as foreign trade under proper economic conditions. Trade is killed by trying to force uneconomic prices on purchasers. It can be revived by accepting products that cannot be economically produced here.

It would be idle utopianism and dangerous politics to try to remove tariffs wholesale. But considerations of total national advantage instead of merely sectional exploitation are in order. Unless Mr. Roosevelt can make them, we shall lose millions in Canada and all over the world in order to protect thousands in some Senator's back yard.

VIII

Without regard to the wisdom or the folly of the adventure, only political genius can save us from what might be called the 'isolationist policy.' My main concern is to point out not only the economic but the social and political implications of such a policy. A national self-sufficiency, unchecked by the actions and policies of other nations, can only be 'managed' by dictatorial methods. It can, however, be mismanaged either by a dictator or by an untrained bureaucracy, subject to Congressional veering and hauling, and to the pressure politics of Washington lobbies. The dangerous thing is that the failure of economic nationalism, which we have already experienced in a sufficient form for twelve years, produced only the demand for a more deliberate nationalism. Similarly, the failure of meddling Congressional 'management' of national interests, or even of the executive's efforts to escape this meddling, is likely to produce only a hysterical demand for a more dictatorial 'efficiency' along the same lines.

It requires longer-run judgments of the effects of policies to see the necessity to give and take in the world's economic life than it does to cry 'Ourselves Alone.' The annoying thing is that those are likely to be branded as pro-British or as internationalists who are calmly arguing for longer-run national advantage; while they are hailed as patriots who, with the air of a boy with the sulks, and simply because we have made the mistakes of youthful inexperience, would have us withdraw from the world and play in

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our own back yard. This means the sacrifice, mainly to England, of most of the gains in national wealth and international advantage that the war and the years since have brought.

It is, of course, possible that events have already moved too far in the direction of 'controlling' domestic price levels, without international coöperation, to leave any valid alternative. That does not seem to me to be true, though the drift in that direction is plainly discernible. It may be, also, that we shall shortly have no real alternative to a bold experiment in a state-planned, self-sufficing economic system, simply because continual interferences with economic factors, which have been cumulative for twelve years, have made an integrated control necessary. I am not concerned here with the purely economic merits or defects of such a system, except to point out the necessary sacrifices and readjustments that it involves. I *am* concerned, however, to show good reason for believing that such a system is incompatible with the institutions and traditions of political liberalism. It would mean the end of a political era.

A DAY ON DARTMOOR

BY LLEWELYN POWYS

Proud and poetical as are the Quantock Hills, exciting to the spirits as Exmoor is, neither of these West Country ranges can be compared to Dartmoor Forest, that vast tract of waste land, so stern and formidable in character, which to the extent of an area of two hundred square miles sprawls itself over Devonshire. If the Quantocks suggest what is lyrical in literature and Exmoor a ballad quality, Dartmoor may be said to affect one as some grave passage from the Scriptures, a passage designed by the men of the old time to bring home to the apprehension the impermanence of mortal life.

A few days spent on the moors, and one grows accustomed to such a habit of thought. However brightly the sun may shine, however high the clouds may float across the heavens, however much the tumbling streams may glisten and sparkle, or the rowan trees delight the eye with their windless shivering, it is impossible to be in the forest for any length of time without giving heed to this solemn and insistent homily. It is as if the Tors themselves, those granite monuments of obdurate matter, were visible tokens carved out of eternity. For how perdurable these huge heaps of boulders can look, — Yes Tor, High Willhays, Haytor, — each one of them a doomsday temple under the sun, offering shelter and sanctuary to the prick-eared fox and a resting place for the sentinel buzzard.

Before these uncouth altars celebrating the cosmic rift of the earth's birth the lives of bird, animal, and fish appear but as shadows of the homeless

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wind, as shadows of the careless breath of God. Like somnolent saurians of prodigious girth the long gray rocks lie one upon another as in the tropics I have seen crocodiles do, flat head to dragon tail, dragon tail to flat head. Before such indestructible masses of petrifaction the spine of a trout, so slim and pliable in its shade of quick flesh, seems how light! The contrived body of a restless bird, how fleeting! And our own bones, with their supple kneecaps, their crab-pot ribs, their hollow skulls, as akin to dust, and as frangible, as rods and beakers of clay.

There is a celebrated line in Homer which can be translated: 'Like to the race of leaves the race of man is.' On a Dartmoor gravestone I read these words: 'We be as leaves' — words showing that in the eighteenth century the thought of the men of the moor was not very different from thought among the Isles of Greece three thousand years ago. Yet how glad and gay on a bright May morning Steeperton can look, with her twin mountain rivers tossing their waters over the rocks in diminutive falls of dazzling spray, or gathering them into their deep pools where in amber, far below, the trout remain poised with heads pointing upstream. If you follow either of these streams to the watershed near Cranmere Pool, you will be well recompensed. When Confucius sat by running water his disciples noticed that before long he would fall to weeping. They tried to discover why this was so, and eventually surmised that the movement of the water put the sage in mind of the flowing, flowing, flowing away of all earth life — the old man, hoar-bearded and with skin apple-wrinkled in the sun, and the child at the door, the one and the other scarcely more lasting than poppy petals so soon to fall.

In their eagerness to invalidate the integrity of our earth senses, the idealists contend that without mind there exists no objective reality. On these river banks, with sight, sound, smell, touch, and taste uniting their testimony, such sophistries are easily discounted. I looked into a recess between two rocks where in the darkness of a mighty miniature cascade a piece of suspended moss, drenched and enduring, was being thrown backward and forward by the cold rushing torrent. My consciousness was the sole witness of this event, of this actual physical happening in an apex of time, and for certain my perceptive identity was envisaging the significant form of a parcel of atoms that made up a sure and absolute reality. Doubt not, this chilled scrap of herbage would have been tossing, so and not otherwise, had I never happened to rest where I chanced to see it. Apart from my intelligence, apart from the intelligence of God, it had its own terrifying existence. However far into the firmament I fling my merlin mind, to the moon's frozen escarpments or to the margins of our island universe, this morsel of moss still preserves its same condition of positive being.

Scarcely had I looked up from meditating upon the verity of poetry as proved by so puny a tassel when I saw upon a rock not twenty yards away a ring ousel; lightly, lightly it flew upstream, dancing over the drab boulders with its distinguishing white collar easily visible in the blithe sunshine. Presently I approached the wildest part of the moor, with bogs and mires in every direction, a kind of Siberian tundra, and it was just here that there was carried to me over the tufted heather, over the bog cotton, the clear incorrigible call of a cuckoo. With all the meadows of Devonshire to choose from, I was amazed that this bird should have penetrated to such a

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wilderness. How could it have deserted for so barren a waste the leafy lane behind the Oxenham Manor, behind that ancient dwelling house which, for all that it solidly stands in South Tawton, so strangely suggests to a traveler a French château, and remains to-day very much as it was in Elizabethan times when a son of the house left its rabbiting winter hedges, its pink campion summer hedges, to go the Spanish Main and to be hung at Lima? What was this feckless popinjay doing on these high dun-colored platforms tumbling after 'his aunts' in a wild rowan tree with open beak and cocked fantail? Here is no canton for this hawk of Dionysos, for this enemy of duty and domesticity, for this free bird whose native habitat is a flaming swamp in the Congo or the Cameroons. I also heard the lark everywhere. Above the dry grass, above the dry open soil, above the boulders, the air was quivering with the ecstatic music of this possessed, intoxicated spirit, heedless of everything but the joy of being alive, magically transformed out of an inert clod into a handful of buoyant feathers, with its mate, its dusky darling, hidden below, her speckled breast pressed to the peat.

Some thirty or forty years ago Scotch sheep were brought to Dartmoor. It was thought that with their long fleeces they would be able to withstand better than the original close-wooled Dartmoor breed the cold mists of the winter. I have never seen a true Dartmoor sheep, but the Scotch sheep are now everywhere with their black faces peering at you from behind rocks, then running off with their long fleecy mantles, which reach almost to their hoofs, jerking up and down. Tom Coryat declared that it was a custom with the Venetian nobility for anyone who had lived wildly to be buried in the habiliments of a monk, so that when the last trump sounded he could at least make an essay in such a disguise to pass himself off as one of the religious. These sheep reminded me of this hearsay, as though so many quadruped devils were playing domino in pontifical wool-white copes.

At the mere sight of my figure in the distance the Dartmoor ponies cantered away. It is sad to think that every year some of them valued highly for their toughness and littleness are sold to coal owners to be used for hauling in the pits. I can hardly imagine a more abrupt and wicked change of circumstance for one of these animals. For years enjoying the godlike freedom of a wild creature, accepting the fair weather with frolic, and enduring foul weather by turning its hindquarters to the drifting wet; at night couchant in the heather, audibly breathing with hard hoofs tucked under sensible abdomen in the stillness of the moonlight, in the silence of starshine — and then to be suddenly roughly haltered by a man smelling of sweat, and transported along pitchy tunnels to the earth's depths, never to feel the sun's warmth penetrating its hide again, to remain buried underground, dragging, dragging, dragging out its life, long after it has become blind, released only on some scarce-noticed afternoon when the broken carcass of a dead pit pony awaits the arrival of the knacker's lorry at the pit's head! Surely to a Dartmoor pony arbitrary man can appear as no spirit-like being, either in the turmoil of Tavistock Fair or in the gnome-lit stable where he fills black coal mangers with bottles of scant and dusty hay from the daytime world. Indeed, are any of us far removed from our primitive ancestors? Do not our emotional interests at every chance dominate our reason, so that this priceless en-

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dowment finds its chief task in justifying enterprises that have little enough of heaven in them?

It is curious that no remains of palæolithic man have ever been found on Dartmoor. It was the later neolithic peoples, the men of the bronze age, who set up cromlechs and stone circles upon the rough plains or projecting against the sky line like jagged teeth. How these enormous stones span the long centuries, beacon signals of intelligence out of an inconceivable past! The conception of a perfect circle, of a mystical circumference which from the earliest times, because of its apple-like, moonlike, sunlike form, has fascinated man's imagination, was brought to Dartmoor out of Egypt, a religious legacy from those days of illumined intimations and sublime wonder when man first stood upon his feet, fresh fashioned by a God out of the slab mud at the bottom of the Nile.

Below Cawsand Beacon, near the head of a wide swamp on the high margin of the moor, I came upon an alignment of stones, once placed in order, I suppose, for ceremonial purposes. They stand in three ranks and seem arranged to impart a certain prominence, perhaps for sacrificial reasons, to a large monolith. It was here that I left the moor, climbing down to a number of those walled-in plots of cultivated ground that, belonging to 'venville' crofters, on every side of Dartmoor mark man's pertinacious encroachments upon the obstinate heath. I soon became aware of a primitive sound peculiar to man. I have heard it in the heart of Africa and near a camp of red Indians in the Rocky Mountains — the sound of iron striking upon stone! I looked over the wall, and in the small field saw an old laborer breaking up a protruding rock, using for his purpose a peculiar hatchet-shaped hammer. I spoke to him, asking him about the rows of stones under the Beacon.

'I have been told,' he said, 'that they stones be graveyard stones.'

'But what kind of men would ever choose to be buried in such a place?' I asked.

'Folk such as you be, and folk such as I be, but without no scholarship for to read or write and without no knowledge of Him, the blessed, whom they Jews did serve so terrible bad.'

This unanticipated turn to the conversation roused my curiosity about the stone breaker's beliefs, and I found him to be a devout Quaker.

It was to him that I owed my discovery of the Quaker graveyard at Sticklepath. I reached it by a narrow lane that leaves the main street of the village behind the great water wheel of the mill. I do not think I have ever seen a graveyard I like better. Under a tall elder hedge was a high stone on which were carved these words: —

Phil. IV, 3. Whose names are in the Book of Life. In this consecrated ground are interred the bodies of the pious Quakers late residents in this village who in the year 1745 and after welcomed and entertained the Wesleys and others as they journeyed to preach the gospel through the West.

Be not forgetful to entertain strangers.
Heb. XIII, 2

Wherever I looked in this small enclosure, hardly larger than an ass's paddock, I was aware of a certain homely style that seemed natural to these Quakers, as if their spiritual sincerities and simplicities had admitted them to an understanding of the more ancient pieties. Because their feeling was sound, a certain dignity of utterance became native to them. On one stone I read, 'Her happy spirit fled from earth to heaven,' and there was another put up to the

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memory of a boy 'whom God's finger touched and he slept June 12th.'

I was especially charmed by the discovery of an arbor embowered by honeysuckle. It was just such a summerhouse as Christian was resting in when he lost his Roll, halfway up on the Hill of Difficulty. It must have been put up, I think, sometime at the end of the eighteenth century. Inside the retreat was a white wooden circular seat where five or six mourners could rest and meditate upon the uncertainty of human life, its fugitive quality — the span of days of an octogenarian Quaker, in such a place, seeming to be contracted, as it were, to the duration of a summer's morning.

The walls of this delightful garden house were adorned with three scrolls. Two of these scrolls had suitable passages from the Scriptures written upon them. The third and central one presented a poem by Montgomery. The poet's name was not unfamiliar to me. It was a habit with my father at our home at Montacute to distinguish Sundays from week days by reading a hymn before family prayers, and as I would sit watching white cabbage butterflies passing freely in zigzag flights over the flower beds outside the window I would often hear this name gravely pronounced with the closing of the book; for, although my father in a general way remained unimpressed by literary achievements, he always seemed concerned that these hymn poets should receive their due of honorable fame.

Even in those days I did not think that Montgomery's gentle talent was of much importance to English literature. Yet with the sound of the mill stream in my ears, with green-enfolded trees sheltering the place on every side, with an old-fashioned rose at the arbor door, I could imagine no poem more fitting to the mood of that afternoon — a gentle vesper music, utterly innocent, to end so happy a day.

A scene sequestered from the haunts of men,
The loveliest nook of all that lovely glen,
Where weary pilgrims found their last repose;
The High, the Low, the Mighty, and the Fair,
Equal in death, were undistinguished there.
. . . . . .
And oft the living, by affection led,
Were wont to walk in spirit with their dead.

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A COCKER RECAPTURES HIS YOUTH

Flush: A Biography. IV

BY VIRGINIA WOOLF

I

Soon Flush became aware of the more profound differences that distinguish Pisa — it was in Pisa that they were now settled — from London. The dogs were different. In London he could scarcely trot round to the pillar box without meeting some pug dog, retriever, bulldog, mastiff, collie, Newfoundland, St. Bernard, fox terrier, or one of the seven famous families of the Spaniel tribe. To each he gave a different name; to each he gave a different rank. But here in Pisa, though dogs abounded, there were no ranks; all — could it be possible? — were mongrels. As far as he could see, they were dogs merely — gray dogs, yellow dogs, brindled dogs, spotted dogs; but it was impossible to detect a single spaniel, collie, retriever, or mastiff among them.

Had the Kennel Club, then, no jurisdiction in Italy? Was the Spaniel Club unknown? Was there no law which decreed death to the topknot, which cherished the curled ear, protected the feathered foot, and insisted absolutely that the brow must be domed but not pointed? Apparently not. Flush felt himself like a Prince in exile. He was the sole aristocrat among a crowd of *canaille*. He was the only pure-bred cocker spaniel in the whole of Pisa.

For many years now Flush had been taught to consider himself an aristocrat. The law of the purple jar and of the chain had sunk deep into his soul. It is scarcely surprising that he was thrown off his balance. A Howard or a Cavendish set down among a swarm of natives in mud huts can hardly be blamed if now and again he remembers Chatsworth and muses regretfully over red carpets and galleries daubed with coronets as the sunset blazes down through painted windows. There was an element, it must be admitted, of the snob in Flush; Miss Mitford had detected it years ago; and the sentiment, subdued in London among equals and superiors, returned to him now that he felt himself unique. He became overbearing and impudent. 'Flush has grown an absolute monarch and barks one distracted when he wants a door opened,' Mrs. Browning wrote. 'Robert,' she continued, 'declares that the said Flush considers him, my husband, to be created for the especial purpose of doing him service, and really it looks rather like it.'

'Robert,' 'my husband' — if Flush had changed, so had Miss Barrett. It was not merely that she called herself Mrs. Browning now, that she flashed the gold ring on her hand in the sun; she was changed, as much as Flush was changed. Flush heard her say 'Robert,' 'my husband,' fifty times a day, and always with a ring of pride that made his hackles rise and his heart jump.

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But it was not her language only that had changed. She was a different person altogether. Now, for instance, instead of sipping a thimbleful of port and complaining of the headache, she tossed off a tumbler of Chianti and slept the sounder. Then there was a flowering branch of oranges on the dinner table instead of one denuded, sour, yellow fruit. Then, instead of driving in a barouche landau to Regent's Park, she pulled on her thick boots and scrambled over rocks. Instead of sitting in a carriage and rumbling along Oxford Street, they rattled off in a ramshackle fly to the borders of a lake and looked at mountains; and when she was tired she did not hail another cab; she sat on a stone and watched the lizards. She delighted in the sun; she delighted in the cold. She threw pine logs from the Duke's forest on to the fire if it froze. They sat together in the crackling blaze and snuffed up the sharp, aromatic scent.

She was never tired of praising Italy at the expense of England. 'Our poor English,' she exclaimed, 'want educating into gladness. They want refining not in the fire but in the sunshine.' Here in Italy were freedom and life and the joy that the sun breeds. One never saw men fighting, or heard them swearing; one never saw the Italians drunk — 'the faces of those men' in Shoreditch came again before her eyes. She was always comparing Pisa with London and saying how much she preferred Pisa. In the streets of Pisa pretty women could walk alone; and great ladies first emptied their own slops and then went to court 'in a blaze of undeniable glory.' Pisa with all its bells, its mongrels, its pine woods, was infinitely preferable to Wimpole Street and its mahogany doors and its shoulders of mutton. So Mrs. Browning every day, as she tossed off her Chianti and broke another orange from the branch, praised Italy, and lamented poor dull, damp, sunless, joyless, expensive, conventional England.

Wilson, it is true, for a time maintained her British balance. The memory of butlers and basements, of front doors and curtains, was not obliterated from her mind without an effort. She still had the conscience to walk out of a picture gallery 'struck back by the indecency of the Venus.' And later, when she was allowed, by the kindness of a friend, to peep through a door at the glories of the Grand Ducal court, she still loyally upheld the superior glory of St. James's. 'It . . . was all very shabby,' she reported, 'in comparison with our English court.' But even as she gazed, the superb figure of one of the Grand Duke's bodyguard caught her eye. Her fancy was fired; her judgment reeled; her standards toppled. Lily Wilson fell passionately in love with Signor Righi, the guardsman.

II

And just as Mrs. Browning was exploring her new freedom and delighting in the discoveries she made, so Flush too was making his discoveries and exploring his freedom. Before they left Pisa — and in the spring of 1847 they moved on to Florence — Flush had faced the curious and at first upsetting truth that the laws of the Kennel Club are not universal. He had brought himself to face the fact that light topknots are not necessarily fatal. He had revised his code accordingly. He had acted, at first with some hesitation, upon his new conception of canine society. He was becoming daily more and more democratic. Even in Pisa, Mrs. Browning noticed, 'he goes out every day and speaks Italian to the little dogs.' Now in Florence the last threads of his old fetters fell from his back.

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The moment of liberation came one day in the Cascine. As he raced over the grass 'like emeralds' with 'the pheasants all alive and flying,' Flush suddenly bethought him of Regent's Park and its proclamation: 'Dogs must be led on chains.' Where was 'must' now? Where were chains now? Where were park keepers and truncheons? Gone, with the dog stealers and Kennel Clubs and Spaniel Clubs of a corrupt aristocracy! Gone with four-wheelers and hansom cabs, with Whitechapel and Shoreditch! He ran, he raced; his coat flashed; his eyes blazed. He was the friend of all the world now. All dogs were his brothers. He had no need of a chain in this new world; he had no need of protection.

If Mr. Browning was late in going for his walk — he and Flush were the best of friends now — Flush boldly summoned him. He 'stands up before him and barks in the most imperious manner possible,' Mrs. Browning observed with some irritation, for her relations with Flush were far less emotional now than in the old days; she no longer needed his red fur and his bright eyes to give her what her own experience lacked; she had found Pan for herself among the vineyards and the olive trees; he was there too beside the pine fire of an evening.

So if Mr. Browning loitered, Flush stood up and barked; but if Mr. Browning preferred to stay at home and write, it did not matter. Flush was independent now. The wistarias and the laburnum were flowering over walls; the Judas trees were burning bright in the gardens; the wild tulips were sprinkled in the fields. Why should he wait? Off he ran by himself. He was his own master now. 'He goes out by himself, and stays hours together,' Mrs. Browning wrote; 'knows every street in Florence — will have his own way in everything. I am never frightened at his absence,' she added, remembering with a smile those hours of agony in Wimpole Street and the gang waiting to snatch him up under the horses' feet if she forgot his chain in Vere Street. Fear was unknown in Florence; there were no dog stealers here, and, she may have sighed, there were no fathers.

But, to speak candidly, it was not to stare at pictures, to penetrate into dark churches and look up at dim frescoes, that Flush scampered off when the door of Casa Guidi was left open. It was to enjoy something, it was in search of something denied him all these years. Once the hunting horn of Venus had blown its wild music over the Berkshire fields; he had loved Mr. Partridge's dog; she had borne him a child. Now he heard the same voice pealing down the narrow streets of Florence, but more imperiously, more impetuously after all these years of denial.

Now Flush knew what men can never know — love pure, love entire; love that brings no train of care in its wake; that has no shame, no remorse; that is here, that is gone, as the bee on the flower is here and is gone. To-day the flower is a rose; to-morrow a lily; now it is the wild thistle on the moor, now the pouched and portentous orchid of the conservatory. So variously, so carelessly Flush embraced the spotted spaniel down the alley, and the brindled dog and the yellow dog — it did not matter which. To Flush it was all the same. He followed the horn wherever the horn blew and the wind wafted it. Love was all; love was enough.

No one blamed him for his escapades. Mr. Browning merely laughed — 'Quite disgraceful for a respectable dog like him' — when Flush returned very late at night or early the next morning. And Mrs. Browning laughed too, as Flush flung himself down on the bedroom floor and slept soundly upon the

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arms of the Guidi family inlaid in scagliola.

For at Casa Guidi the rooms were bare. All those draped objects of his cloistered and secluded days had vanished. The bed was a bed; the washstand was a washstand. Everything was itself and not another thing. The drawing-room was large and sprinkled with a few old carved chairs of ebony. Over the fire hung a mirror with two Cupids to hold the lights. Mrs. Browning herself had discarded her Indian shawls. She wore a cap made of some thin bright silk that her husband liked. Her hair was brushed in a new way. And when the sun had gone down and the shutters had been raised, she paced the balcony dressed in thin white muslin. She loved to sit there looking, listening, watching the people in the street.

III

They had not been long in Florence before one night there was such a shouting and trampling in the street that they ran to the balcony to see what was happening. A vast crowd was surging underneath. They were carrying banners and shouting and singing. All the windows were full of faces; all the balconies were full of figures. The people in the windows were tossing flowers and laurel leaves on to the people in the street; and the people in the street — grave men, gay young women — were embracing each other, and raising their babies high in their arms to the people in the balconies. Mr. and Mrs. Browning leant over the balustrade and clapped and clapped. Banner after banner passed. The torches flashed their light on them. 'Liberty' was written on one; 'The Union of Italy' on another; and 'The Memory of the Martyrs' and 'Viva Pio Nono' and 'Viva Leopoldo Secondo' — for three and a half hours the banners went by and the people cheered and Mr. and Mrs. Browning stood with six candles burning on the balcony, waving and waving.

For some time Flush too, stretched between them with his paws over the sill, did his best to rejoice. But at last — he could not conceal it — he yawned. 'He confessed at last that he thought they were rather long about it,' Mr. Browning observed. A weariness, a doubt, a ribaldry, possessed him. What was it all for? he asked himself. Who was this Grand Duke and what had he promised? Why were they all so absurdly excited? — for the ardor of Mrs. Browning, waving and waving, as the banners passed, somehow annoyed him. Such enthusiasm for a Grand Duke was exaggerated, he felt.

And then, as the Grand Duke passed, he became aware that a little dog had stopped at the door. Seizing his chance when Mrs. Browning was more than usually enthusiastic, he slipped down from the balcony and made off. Through the banners and the crowds he followed her. She fled further and further into the heart of Florence. Far away sounded the shouting; the cheers of the people died down into silence. The lights of the torches were extinguished. Only a star or two shone in the ripples of the Arno where Flush lay with the spotted spaniel by his side, couched in the shell of an old basket on the mud. There, tranced in love, they lay till the sun rose in the sky.

Flush did not return until nine next morning and Mrs. Browning greeted him rather ironically — he might at least, she thought, have remembered that it was the first anniversary of her wedding day. But she supposed 'he had been very much amused.' It was true. While she had found an inexplicable satisfaction in the trampling of forty thousand people, in the promises

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of Grand Dukes and the windy aspirations of banners, Flush infinitely preferred the little dog at the door.

IV

It cannot be doubted that Mrs. Browning and Flush were reaching different conclusions in their voyages of discovery — she a Grand Duke, he a spotted spaniel; and yet the tie which bound them together was undeniably still binding. No sooner had Flush, as he thought, abolished 'must' and raced free through the emerald grass of the Cascine gardens where the pheasants fluttered red and gold, than he felt a check. Once more he was thrown back on his haunches. At first it was nothing — a hint merely — only that Mrs. Browning in the spring of 1849 became busy with her needle. And yet there was something in the sight that gave Flush pause. She was not used to sew.

He noted that Wilson moved a bed, and she opened a drawer to put white clothes inside it. Raising his head from the tiled floor, he looked, he listened attentively. Was something once more about to happen? He looked anxiously for signs of trunks and packing. Was there to be another flight, another escape? But there is nothing to be afraid of here, he assured Mrs. Browning. They need neither of them worry themselves here in Florence about Mr. Taylor and Mr. Barrett and dogs' heads tied up in brown paper parcels. Yet he was puzzled. The signs of change, as he read them, did not signify escape. They signified, much more mysteriously, expectance. Something was coming, he felt, as he watched Mrs. Browning so composedly, yet silently and steadfastly, stitching, in her low chair; something was coming that was inevitable, yet to be dreaded.

As the weeks went on, Mrs. Browning scarcely left the house. She seemed, as she sat there, to anticipate some tremendous event. Was she about to encounter somebody, like the ruffian Taylor, and let him rain blows on her alone and unaided? Flush quivered with apprehension at the thought. Certainly she had no intention of running away. No boxes were packed. There was no sign that anybody was about to leave the house — rather there were signs that somebody was coming. In his jealous anxiety Flush scrutinized each newcomer. There were many now, — Miss Blagden, Mr. Landor, Miss Hattie Hosmer, Mr. Lytton, — ever so many ladies and gentlemen now came to Casa Guidi. Day after day Mrs. Browning sat there in her armchair quietly stitching.

Then one day early in March Mrs. Browning did not appear in the sitting room at all. Other people came in and out; Mr. Browning and Wilson came in and out; and they came in and out so distractedly that Flush hid himself under the sofa. People were trampling up and down stairs, running and calling in low whispers and muted unfamiliar voices. They were moving upstairs in the bedroom. He crept further and further under the shadow of the sofa. He knew in every fibre of his body that some change was taking place — some awful event was happening. So he had waited, years ago, for the step of the hooded man on the staircase. And at last the door had opened and Miss Barrett had cried, 'Mr. Browning!' Who was coming now? What hooded man?

As the day wore on, he was left completely alone. He lay in the drawing-room without food or drink; a thousand spotted spaniels might have sniffed at the door and he would have shrunk away from them. For as the hours passed he had an overwhelming sense

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that something was thrusting its way into the house from outside. He peeped out from beneath the flounces. The cupids holding the lights, the ebony chests, the French chairs, all looked thrust asunder; he himself felt as if he were being pushed up against the wall to make room for something that he could not see. Once he saw Mr. Browning, but he was not the same Mr. Browning; once Wilson, but she was changed too — as if they were both seeing the invisible presence that he felt.

At last Wilson, looking very flushed but triumphant, took him in her arms and carried him upstairs. They entered the bedroom. There was a faint bleating in the shadowed room — something waved on the pillow. It was a live animal. Independently of them all, without the street door being opened, out of herself in the room, alone, Mrs. Browning had become two people. The horrid thing waved and mewed by her side. Torn with rage and jealousy and some deep disgust that he could not hide, Flush struggled himself free and rushed downstairs.

Wilson and Mrs. Browning called him back; they tempted him with caresses; they offered him titbits; but it was useless. He cowered away from the disgusting sight, wherever there was a shadowy sofa or a dark corner. 'For a whole fortnight he fell into deep melancholy and was proof against all attentions lavished on him' — so Mrs. Browning, in the midst of all her other distractions, was forced to notice. And when we take, as we must, human minutes and hours and drop them into a dog's mind and see how the minutes swell into hours and the hours into days, we shall not exaggerate if we conclude that Flush's 'deep melancholy' lasted six full months by the human clock. Many men and women have forgotten their hates and their loves in less.

V

But Flush was no longer the unschooled, untrained dog of Wimpole Street days. He had learnt his lesson. Wilson had struck him. He had been forced to swallow cakes that were stale when he might have eaten them fresh. He had sworn to love and not to bite. All this churned in his mind as he lay under the sofa; and at last he issued out.

Again he was rewarded. At first, it must be admitted, the reward was insubstantial if not positively disagreeable. The baby was set on his back, and Flush had to trot about with the baby pulling his ears. But he submitted with such grace, only turning round, when his ears were pulled, 'to kiss the little bare, dimpled feet,' that before three months had passed this helpless, weak, puling, mewling lump had somehow come to prefer him, 'on the whole' — so Mrs. Browning said — to other people.

And then, strangely enough, Flush found that he came to return the baby's affection. Did they not share something in common — did not the baby somehow resemble Flush in many ways? Did they not hold the same views, the same tastes? For instance, in the matter of scenery. To Flush all scenery was detestable. He had never, all these years, learnt to focus his eyes upon mountains. When they took him to Vallombrosa, all the splendor of its woods had merely bored him.

Now again, when the baby was a few months old, they went on another of those long expeditions in a traveling carriage. The baby lay on his nurse's lap; Flush sat on Mrs. Browning's knee. The carriage went on and on and on, painfully climbing the heights of the Apennines. Mrs. Browning was almost beside herself with delight. She could scarcely tear herself from the window. She could not find words

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enough in the whole of the English language to express what she felt. But the baby and Flush felt none of this stimulus, none of this inadequacy. Both were silent. Flush drew 'in his head from the window and did n't consider it worth looking at. . . . He has a supreme contempt for trees and hills or anything of that kind,' Mrs. Browning concluded. The carriage rumbled on. Flush slept and the baby slept.

Then at last there were lights and houses and men and women passing the windows. They had entered a village. Instantly Flush was all attention. 'His eyes were starting out of his head with eagerness; he looked east, he looked west, you would conclude that he was taking notes or preparing them.' It was the human scene that stirred him, not beauty. Beauty had to be crystallized into a green or violet powder and puffed by some celestial syringe down the fringed channels that lay behind his nostrils before it touched Flush's senses; and then it issued not in words, but in a silent rapture. Where Mrs. Browning saw, he smelt; where she wrote, he snuffed.

VI

Here, then, the biographer must perforce come to a pause. Where two or three thousand words are insufficient for what we see, — and Mrs. Browning had to admit herself beaten by the Apennines; 'of these things I cannot give you any idea,' she admitted, — there are at most two words and one half for what we smell. The human nose is practically nonexistent. The greatest poets in the world have smelt nothing but roses on the one hand and dung on the other. The infinite gradations that lie between are unrecorded.

Yet it was in the world of smell that Flush mostly lived. Love was chiefly smell; form and color were smell; music and architecture, law, politics, and science, were smell. To him religion itself, one might make bold to say, was smell. To describe his simplest experience with the daily chop or biscuit is beyond our power. Not even Mr. Swinburne could have said what the smell of Wimpole Street meant to Flush on a hot afternoon in June. As for describing the smell of a spaniel mixed with the smell of torches, laurels, incense, banners, wax candles, trousers, and a garland of rose leaves crushed by a satin heel that has been laid up in camphor, perhaps Shakespeare, had he paused in the middle of writing *Antony and Cleopatra* — but Shakespeare did not pause.

Confessing our inadequacy, then, we can but note that to Flush Italy, in these the fullest, the freest, the happiest years of his life, meant mainly a succession of smells. Love, it must be supposed, was gradually losing its appeal. Smell remained.

Now that they were established in Casa Guidi again, all had their avocations. Mr. Browning wrote regularly in one room, Mrs. Browning wrote regularly in another. The baby played in the nursery. But Flush wandered off into the streets of Florence to enjoy the rapture of smell. He threaded his path through main streets and back streets, through squares and alleys, by smell. He nosed his way from smell to smell; the rough, the smooth, the dark, the golden. He went in and out, up and down, where they beat brass, where they bake bread, where the women sit combing their hair, where the bird cages are piled high on the causeway, where the wine spills itself in dark red stains on the pavement, where leather smells, and harness and garlic, where cloth is beaten, where vine leaves tremble, where men sit and drink and spit and dice — he ran in and out, always

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with his nose to the ground, drinking in the essence; or with his nose in the air, vibrating with the aroma. He slept in this hot patch of sun — how sun made the stone reek! He sought that tunnel of shade — how acid shade made the stone smell! He devoured whole bunches of ripe grapes largely because of their purple smell; he chewed and spat out whatever tough relic of goat or macaroni the Italian housewife had thrown from the balcony — goat and macaroni were raucous smells, crimson smells. He followed the swooning sweetness of incense into the violet intricacies of dark cathedrals; and, sniffing, tried to lap the gold on the window-stained tomb.

Nor was his sense of touch much less acute. He knew Florence in its marmoreal smoothness and in its gritty and cobbled roughness. Hoary folds of drapery, smooth fingers and feet of stone, received the lick of his tongue, the quiver of his shivering snout. Upon the infinitely sensitive pads of his feet he took the clear stamp of proud Latin inscriptions. In short, he knew Florence as no human being has ever known it; as Ruskin never knew it, or George Eliot either. He knew it as only the dumb know. Not a single one of his myriad sensations ever submitted itself to the deformity of words.

VII

Though it would be pleasant for the biographer to infer that Flush's life in late middle age was an orgy of pleasure transcending all description; to maintain that while the baby day by day picked up a new word, and thus removed sensation a little further beyond reach, Flush was fated to remain forever in a Paradise where essences exist in their utmost purity, and the naked soul of things presses on the naked nerve — it would not be true. Flush lived in no such Paradise. The spirit, ranging from star to star, the bird whose furthest flight over polar snows or tropical forests never brings it within sight of human houses and their curling wood smoke, may, for anything we know, enjoy such immunity, such integrity of bliss. But Flush had lain upon human knees and heard men's voices. His flesh was veined with human passions, he knew all grades of jealousy, anger, and despair.

Now in summer he was scourged by fleas. With a cruel irony the sun that ripened the grapes brought also the fleas. 'Savonarola's martyrdom here in Florence,' wrote Mrs. Browning, 'is scarcely worse than Flush's in the summer.' Fleas leapt to life in every corner of the Florentine houses; they skipped and hopped out of every cranny of the old stone; out of every fold of old tapestry; out of every cloak, hat, and blanket. They nested in Flush's fur. They bit their way into the thickest of his coat. He scratched and tore. His health suffered; he became morose, thin, and feverish.

Miss Mitford was appealed to. What remedy was there, Mrs. Browning wrote anxiously, for fleas? Miss Mitford, still sitting in her greenhouse at Three Mile Cross, still writing tragedies, put down her pen and looked up her old prescriptions — what Mayflower had taken, what Rosebud. But the fleas of Reading die at a pinch. The fleas of Florence are red and virile. To them Miss Mitford's powders might well have been snuff. In despair Mr. and Mrs. Browning went down on their knees beside a pail of water and did their best to exorcise the pest with soap and scrubbing brush. It was in vain.

At last one day Mr. Browning, taking Flush for a walk, noticed people pointing; he heard one man lay a finger to his nose and whisper, '*La rogna*'

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(mange). As by this time 'Robert is as fond of Flush as I am,' to take his walk of an afternoon with a friend and to hear him thus stigmatized was intolerable. Robert, his wife wrote, 'would n't bear it any longer.' Only one remedy remained, but it was a remedy that was almost as drastic as the disease itself. However democratic Flush had become and careless of the signs of rank, he still remained what Philip Sidney had called him, a gentleman by birth. He carried his pedigree on his back. His coat meant to him what a gold watch inscribed with the family arms means to an impoverished Squire, whose broad acres have shrunk to that single circle. It was the coat that Mr. Browning now proposed to sacrifice. He called Flush to him and, 'taking a pair of scissors, clipped him all over into the likeness of a lion.'

As Robert Browning snipped, as the insignia of a cocker spaniel fell to the floor, as the travesty of quite a different animal rose round his neck, Flush felt himself emasculated, diminished, ashamed. What am I now, he thought, gazing into the glass. And the glass replied with the brutal sincerity of glasses, 'You are nothing.' He was nobody. Certainly he was no longer a cocker spaniel.

But as he gazed, his ears, bald now, and uncurled, seemed to twitch. It was as if the potent spirits of truth and laughter were whispering in them. To be nothing — is that not, after all, the most satisfactory state in the whole world? He looked again. There was his ruff. To caricature the pomposity of those who claim that they are something — was that not in its way a career? Anyhow, settle the matter as he might, there could be no doubt that he was free from fleas. He shook his ruff. He danced on his nude, attenuated legs. His spirits rose.

So might a great beauty, rising from a bed of sickness and finding her face eternally disfigured, make a bonfire of clothes and cosmetics, and laugh with joy to think that she need never look in the glass again or dread a lover's coolness or a rival's beauty. So might a clergyman cased for twenty years in starch and broadcloth cast his collar into the dustbin and snatch the works of Voltaire from the cupboard. So Flush scampered off, clipped all over into the likeness of a lion, but free from fleas.

'Flush,' Mrs. Browning wrote to her sister, 'is wise.' She was thinking perhaps how the Greeks say that happiness is only to be reached through suffering. The true philosopher is he who has lost his coat, it may be, but is free from fleas.

VIII

But Flush had not long to wait before his newly won philosophy was put to the test. Again in the summer of 1852 there were signs at Casa Guidi of one of those crises which, gathering soundlessly as a drawer opens or as a piece of string is left dangling from a box, are to a dog as menacing as the clouds which foretell lightning to a shepherd or as the rumors which foretell war to a statesman. Another change was indicated, another journey. Well, what of that?

Trunks were hauled down and corded. The baby was carried out in his nurse's arms. Mr. and Mrs. Browning appeared dressed for traveling. There was a cab at the door. Flush waited philosophically in the hall. When they were ready he was ready.

Now that they were all seated in the carriage, with one bound Flush sprang lightly in after them. To Venice, to Rome, to Paris — where were they going? All countries were equal to him now; all men were his brothers. He

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had learnt that lesson at last. But when finally he emerged from obscurity he had need of all his philosophy — he was in London.

Houses spread to right and left in sharp avenues of regular brick. The pavement was cold and hard beneath his feet. And there, issuing from a mahogany door with a brass knocker, was a lady bountifully appareled in flowing robes of purple plush. A light wreath starred with flowers rested on her hair. Gathering her draperies about her, she glanced disdainfully up and down the street while a footman, stooping, let down the step of the barouche landau. All Welbeck Street — for Welbeck Street it was — was wrapped in a splendor of red light — a light not clear and fierce like the Italian light, but tawny and troubled with the dust of a million wheels, with the trampling of a million hoofs.

The London season was at its height. A pall of sound, a cloud of interwoven humming, fell over the city in one confluent growl. By came a majestic deerhound led on a chain by a page. A policeman, swinging past with rhythmical stride, cast his bull's-eye from side to side. Odors of stew, odors of beef, odors of basting, odors of beef and cabbage, rose from a thousand basements. A flunky in livery dropped a letter into a box.

Overcome by the magnificence of the metropolis, Flush paused for a moment with his foot on the doorstep. Wilson paused too. How paltry it seemed now, the civilization of Italy, its courts and its revolutions, its Grand Dukes and their bodyguards! She thanked God, as the policeman passed, that she had not married Signor Righi after all. And then a sinister figure issued from the public house at the corner. A man leered. With one spring, Flush bolted indoors.

For some weeks now he was closely confined to a lodging-house sitting room in Welbeck Street. For confinement was still necessary. The cholera had come, and it is true that the cholera had done something to improve the condition of the rookeries; but not enough, for still dogs were stolen and the dogs of Wimpole Street had still to be led on chains.

Flush went into society, of course. He met dogs at the pillar box and outside the public house; and they welcomed him back with the inherent good breeding of their kind. Just as an English peer who has lived a lifetime in the East and contracted some of the habits of the natives — rumor hints, indeed, that he has turned Moslem and had a son by a Chinese washerwoman — finds, when he takes his place at Court, that old friends are ready enough to overlook these aberrations and he is asked to Chatsworth, though no mention is made of his wife and it is taken for granted that he will join the family at prayers, so the pointers and setters of Wimpole Street welcomed Flush among them and overlooked the condition of his coat.

But there was a certain morbidity, it seemed to Flush now, among the dogs of London. It was common knowledge that Mrs. Carlyle's dog Nero had leapt from a top-story window with the intention of committing suicide. He had found the strain of life in Cheyne Row intolerable, it was said. Indeed Flush could well believe it now that he was back again in Welbeck Street. The confinement, the crowd of little objects, the black beetles by night, the bluebottles by day, the lingering odors of mutton, the perpetual presence on the sideboard of bananas — all this, together with the proximity of several men and women, heavily dressed and not often or indeed completely washed, wrought on his temper and strained his nerves. He lay for hours under the

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lodging-house chiffonier. It was impossible to run out of doors. The front door was always locked. He had to wait for somebody to lead him on a chain.

IX

Two incidents alone broke the monotony of the weeks he spent in London. One day late that summer the Brownings went to visit the Reverend Charles Kingsley at Farnham. In Italy the earth would have been bare and hard as brick. Fleas would have been rampant. Languidly one would have dragged oneself from shadow to shadow, grateful even for the bar of shade cast by the raised arm of one of Donatello's statues. But here at Farnham there were fields of green grass; there were pools of blue water; there were woods that murmured, and turf so fine that the paws bounced as they touched it.

The Brownings and the Kingsleys spent the day together. And once more, as Flush trotted behind them, the old trumpets blew; the old ecstasy returned — was it hare or was it fox? Flush tore over the heaths of Surrey as he had not run since the old days at Three Mile Cross. A pheasant went rocketing up in a spurt of purple and gold. He had almost shut his teeth on the tail feathers when a voice rang out. A whip cracked. Was it the Reverend Charles Kingsley who called him sharply to heel? At any rate he ran no more. The woods of Farnham were strictly preserved.

A few days later he was lying in the sitting room at Welbeck Street, when Mrs. Browning came in dressed for walking and called him from under the chiffonier. She slipped the chain on to his collar, and, for the first time since September 1846, they walked up Wimpole Street together. When they came to the door of number fifty they stopped as of old. Just as of old they waited. The butler just as of old was very slow in coming. At length the door opened. Could that be Catiline lying couched on the mat? The old toothless dog yawned and stretched himself and took no further notice.

Upstairs they crept as stealthily, as silently, as once before they had come down them. Very quietly, opening the doors as if she were afraid of what she might see there, Mrs. Browning went from room to room. A gloom descended upon her as she looked. 'They seemed to me,' she wrote, 'smaller and darker, somehow, and the furniture wanted fitness and convenience.' The ivy was still tapping on the back bedroom windowpane. The painted blind still obscured the houses. Nothing had been changed. Nothing had happened all these years. So she went from room to room, sadly remembering.

But long before she had finished her inspection Flush was in a fever of anxiety. Suppose Mr. Barrett were to come in and find them? Suppose that with one frown, with one stare, he turned the key and locked them into the back bedroom forever? At last Mrs. Browning shut the doors and went downstairs again very quietly. Yes, she said, it seemed to her that the house wanted cleaning.

After that, Flush had only one wish left in him — to leave London, to leave England forever. He was not happy until he found himself on the deck of the Channel steamer crossing to France. It was a rough passage. The crossing, indeed, took eight hours. As the steamer tossed and wallowed, Flush turned over in his mind a tumult of mixed memories — of ladies in purple plush, of ragged men with bags; of Regent's Park, and Queen Victoria bowling past with outriders; of the sweetness of English grass and the rankness of English pavements — all this passed through his mind as he lay on

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deck; and, looking up, he caught sight of a stern, tall man leaning over the rail.

'Mr. Carlyle!' he heard Mrs. Browning exclaim; whereupon — the crossing, it must be remembered, was a bad one — Flush was violently sick. Sailors came running with pails and mops. 'He was ordered off the deck on purpose, poor dog,' said Mrs. Browning. For the deck was still English; dogs must not be sick on decks. Such was his last salute to the shores of his native land.

X

Flush was growing an old dog now. The journey to England and all the memories it revived had undoubtedly tired him. It was noticed that he sought the shade rather than the sun on his return, though the shade of Florence was hotter than the sun of Wimpole Street. Stretched beneath a statue, couched under the lip of a fountain for the sake of the few drops that spurted now and then on to his coat, he would lie dozing by the hour. The young dogs would come about him. To them he would tell his stories of Whitechapel and Wimpole Street; he would describe the smell of clover and the smell of Oxford Street; he would rehearse his memories of one revolution and another — how Grand Dukes had come and Grand Dukes had gone; but the spotted spaniel down the alley on the left — she goes on forever, he would say.

Then violent Mr. Landor would hurry by and shake his fist at him in mock fury; kind Miss Isa Blagden would pause and take a sugared biscuit from her reticule. The peasant women in the market place made him a bed of leaves in the shadow of their baskets and tossed a bunch of grapes now and then to the red dog from Casa Guidi. He was known, he was liked, by all Florence — gentle and simple, dogs and men.

But he was growing an old dog now, and he tended more and more to lie not even under the fountain — for the cobbles were hard to his old bones — but in Mrs. Browning's bedroom, where the arms of the Guidi family made a smooth patch of scagliola on the floor, or in the drawing-room under the shadow of the drawing-room table.

One day shortly after his return from London he was stretched there fast asleep. The deep and dreamless sleep of old age was heavy on him. Indeed to-day his sleep was even deeper than usual, for as he slept the darkness seemed to thicken round him. If he dreamt at all, he dreamt that he was sleeping in the heart of a primeval forest, shut from the light of the sun, shut from the voices of mankind, though now and again as he slept he dreamt that he heard the sleepy chirp of a dreaming bird, or, as the wind tossed the branches, the mellow chuckle of a brooding monkey.

Then suddenly the branches parted; the light broke in — here, there, in dazzling shafts. Monkeys chattered; birds rose crying and calling in alarm. He started to his feet wide awake. An astonishing commotion was all round him. He had fallen asleep between the bare legs of an ordinary drawing-room table. Now he was hemmed in by the billowing of skirts and the heaving of trousers. The table itself, moreover, was swaying violently from side to side. He did not know which way to run. What on earth was happening? What in Heaven's name possessed the drawing-room table? He lifted up his voice in a prolonged howl of interrogation.

To Flush's question no satisfactory answer can here be given. A few facts, and those of the baldest, are all that

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can be supplied. Briefly, then, it would appear that Mrs. Browning had become interested in investigating the spirits which reside in the legs of tables. 'From the Legation to the English chemists,' she wrote, 'people are "serving tables" . . . everywhere. When people gather round a table it is n't to play whist.' No, it was to decipher messages conveyed by the legs. 'You know I am rather a visionary and inclined to knock round at all the doors of the present world to try to get out,' she wrote. So she had summoned the faithful to Casa Guidi; and there they sat with their hands on the drawing-room table, trying to get out.

Flush started up in the wildest apprehension. The skirts and the trousers were billowing round him; the table was standing on one leg. But whatever the ladies and gentlemen round the table could hear and see, Flush could hear and see nothing. True, the table was standing on one leg, but so tables will if you lean hard on one side. He had upset tables himself and been well scolded for it.

But now there was Mrs. Browning with her great eyes wide open staring as if she saw something marvelous outside. Flush rushed to the balcony and looked over. Was there another Grand Duke riding by with banners and torches? Flush could see nothing but an old beggar woman crouched at the corner of the street over her basket of melons. Yet clearly Mrs. Browning saw something — clearly she saw something that was very wonderful. So in the old Wimpole Street days she had wept once without any reason that he could see; and again she had laughed, holding up a blotted scrawl. But this was different. There was something in her look now that frightened him. There was something in the room, or in the table, or in the petticoats and trousers, that he disliked exceedingly.

XI

As the weeks passed, this preoccupation of Mrs. Browning's with the invisible grew upon her. It might be a fine, hot day, but instead of watching the lizards slide in and out of the stones, she would sit at the table; it might be a dark, quiet night, but instead of reading in her book, or passing her hand over paper, she would call, if Mr. Browning were out, for Wilson, and Wilson would come yawning. Then they would sit at the table together, until that article of furniture, whose chief function it was to provide shade, kicked on the floor, and Mrs. Browning exclaimed that it was telling Wilson that she would soon be ill. Wilson replied that she was only sleepy. But soon Wilson herself, the implacable, the upright, the British, screamed and went into a faint and Mrs. Browning was rushing hither and thither to find 'the hygienic vinegar.' That, to Flush, was a highly unpleasant way of spending a quiet evening. Better far to sit and read one's book.

Undoubtedly the suspense, the intangible but disagreeable odor, the kicks and the screams and the vinegar, told upon Flush's nerves. It was all very well for the baby, Penini, to pray 'that Flush's hair may grow'; that was an aspiration that Flush could understand. But this form of prayer which required the presence of evil-smelling, seedy-looking men, and the antics of a piece of apparently solid mahogany, angered him much as they angered that robust, sensible, well-dressed man, his master.

But far worse than any smell to Flush, far worse than any antics, was the look on Mrs. Browning's face when she gazed out of the window as if she were seeing something that was invisible. But there was nothing. Flush stood himself in front of her. She

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looked through him as if he were not there. That was the cruelest look she had ever given him. It was worse than her cold anger when he bit Mr. Browning in the leg; worse than her sardonic laughter when the door shut upon his paw in Regent's Park. There were moments, indeed, when he regretted Wimpole Street and its tables. The tables at number fifty had never danced upon their legs. The little table with the ring round it that held her precious ornaments had always stood perfectly still.

In those far-off days he had only to leap on her sofa and Miss Barrett started wide awake and looked at him. Now, once more, he leapt on to her sofa. But she did not notice him. She was writing. She paid no attention to Flush. She went on writing — 'also, at the request of the medium, the spiritual hands took from the table a garland which lay there, and placed it upon my head. The particular hand which did this was of the largest human size, as white as snow, and very beautiful. It was as near to me as this hand I write with, and I saw it as distinctly.' Flush pawed her sharply. She looked through him as if he were invisible. He leapt off the sofa and ran downstairs into the street.

XII

It was a blazing hot afternoon. The old beggar woman at the corner had fallen asleep over her melons. The sun seemed droning in the air. Keeping to the shady side of the street, Flush trotted along the well-known ways to the market place. The whole square was brilliant with awnings and stalls and bright umbrellas. The market women were sitting beside baskets of fruit; pigeons were fluttering, bells were pealing, whips were cracking. The many-colored mongrels of Florence were running in and out sniffing and pawing. All was as brisk as a beehive, and as hot as an oven.

Flush sought the shade. He flung himself down beside his friend Caterina, under the shadow of her great basket. A brown jar of red and yellow flowers cast a shadow beside it. Above them a statue, holding his right arm outstretched, deepened the shade to violet. Flush lay there in the cool, watching the young dogs busy with their own affairs. They were snarling and biting; stretching and tumbling in all the abandonment of youthful joy. They were chasing each other in and out, round and round, as he had once chased the spotted spaniel in the alley.

His thoughts turned to Reading for a moment — to Mr. Partridge's spaniel, to his first love, to the ecstasies and innocences of youth. Well, he had had his day. He did not grudge them theirs. He had found the world a pleasant place to live in. He had no quarrel with it now. The market woman scratched him behind the ear. She had often cuffed him for stealing a grape, or for some other misdemeanor; but he was old now; and she was old. He guarded her melons and she scratched his ear. So she knitted and he dozed. The flies buzzed on the great pink melon that had been sliced open to show its flesh.

The sun burnt deliciously through the lily leaves and through the green and white umbrella. The marble statue tempered its heat to a champagne freshness. Flush lay and let it burn through his fur to the naked skin. And when he was roasted on one side he turned over and let the sun roast the other. All the time the market people were chattering and bargaining; men and women were passing; they were stopping and fingering the vegetables and the fruit. There was a per-

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petual buzz and hum of human voices such as Flush loved to listen to.

After a time he drowsed off under the shadow of the lilies. He slept as dogs sleep when they are dreaming. Now his legs twitched — was he dreaming that he hunted rabbits in Spain? Was he coursing up a hot hillside with dark men shouting 'Span! Span!' Then he lay still again. And now he yelped, quickly, softly, many times in succession. Perhaps he heard Mr. Mitford egging his greyhounds on to the hunt at Reading. Then his tail wagged sheepishly, as if old Miss Mitford had cried, 'Bad dog! Bad dog!' as he slunk back to her where she stood among the turnips waving her umbrella. And then he lay for a time snoring, wrapped in the deep sleep of happy old age, dreaming of nothing at all.

Suddenly every muscle in his body twitched. He woke with a violent start. Where did he think he was? In Whitechapel among the ruffians? Was the knife at his throat again?

Whatever it was, he woke from his dream in a state of terror. He made off as if he were flying to safety, as if he were seeking refuge. The market women laughed and pelted him with rotten grapes and called him back. He took no notice. Cart wheels almost crushed him as he darted through the streets — the men standing up to drive cursed him and flicked him with their whips. Half-naked children threw pebbles at him and shouted, '*Matta! Matta!*' as he fled past. Their mothers ran to the door and caught them back in alarm. Had he, then, gone mad? Had the sun turned his brain? Or had he once more heard the hunting horn of Venus? Or had one of the American rapping spirits, one of the spirits that live in table legs, got possession of him at last?

Whatever it was, he went in a bee line up one street and down another until he reached the door of Casa Guidi. He made his way straight upstairs and went straight into the drawing-room.

Mrs. Browning was lying, reading, on the sofa. She looked up, startled, as he came in. Was it a spirit? No, it was not a spirit — it was only Flush. She laughed. Then, as he leapt on to the sofa and thrust his face into hers, the words of her own poem came into her mind: —

You see this dog: it was but yesterday
I mused, forgetful of his presence here,
Till thought on thought drew downward tear on tear:
When from the pillow where wet-cheeked I lay,
A head as hairy as Faunus thrust its way
Right sudden against my face, two golden-clear
Great eyes astonished mine, a drooping ear
Did flap me on either cheek to dry the spray!
I started first as some Arcadian
Amazed by goatly god in twilight grove;
But, as the bearded vision closelier ran
My tears off, I knew Flush, and rose above
Surprise and sadness, thanking the true Pan
Who by low creatures leads to heights of love.

She had written that poem one day years ago in Wimpole Street when she was very unhappy. Years had passed; now she was happy. She was growing old now, and so was Flush. She bent down over him for a moment. Her face, with its wide mouth and its great eyes and its heavy curls, was still oddly like his. Broken asunder, yet made in the same mould, each, perhaps, was meant to complete what was dormant in the other. Mrs. Browning went on reading. Then she looked at Flush again. But he did not look at her. An extraordinary change had come over him. 'Flush!' she cried. But he was silent. He had been alive; he was now dead. That was all. The drawing-room table, strangely enough, stood perfectly still.

(*The End*)

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TRAFFIC CRIMES AND CRIMINALS

BY CURTIS BILLINGS

I

A NEW kind of detective has begun to unravel a comparatively new kind of crime in the United States. He is not yet well known to the public, and so far his exploits have not even come to the attention of writers of mystery tales. These chaps, eager as they always are for fresh 'copy,' will doubtless catch up with him in time, and when they do, his effective but prosaic achievements (true detective work usually *is* prosaic) will be inflated to fantastic shapes and sizes like a child's balloon. Then, no doubt, small boys will hold him in awe and weary men of affairs will regale themselves by reading of his sleuthing.

The most astonishing thing about this new detective is the kind of criminal he seeks. Seldom does he hunt such orthodox villains as murderers, smugglers, and burglars. Rather, his prey includes storekeepers, dentists, clerks, housewives — the kind of people most of us are. The crimes in which he specializes are those which involve violations of the traffic laws. Of course, not every motorist who violates a traffic law is hounded by the detective. Not by any means. He concentrates his attention only upon those whose violations have caused accidents. In 1932, automobile accidents killed 29,500 people in the United States, and one city has at last concluded that the problem calls for the development of new methods on the part of the police.

The kind of work which has proved most effective in promoting safety consists of investigating accidents with the purpose of determining whether they were caused by violations of the law. The investigating officer collects as much evidence as he can, and, if he finds that the law has been broken, he files a complaint against the offender and hales him into court. But there is a trick to this procedure. It is not as easy as it may seem. For, after an accident has occurred, how can one find evidence of a law violation when the damaged automobiles are at rest or even removed from the scene, the statements of witnesses are at variance, and the principals look one in the eye and give contradictory accounts of what happened? The quickest way to explain the method used to accomplish this not inconsiderable task is to describe a recent case in Evanston, Illinois.

II

Two uniformed officers were patrolling the central district of the city in a squad car of the Bureau of Accident Prevention. Over their radio came the message that two automobiles had crashed at the intersection of Monroe Street and Ridge Avenue. The officers sped to the scene immediately. There they found the usual crowd of the curious milling around two crumpled machines that stood in the intersection.

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Parking their own car, the officers went to work.

First, was anybody injured? Yes. The driver of the Chevrolet touring car, which had been traveling east on Monroe Street, suffered a laceration of his right arm. It was not serious. One of the officers took first-aid equipment from a case in the squad car and dressed the injury. The man said his name was D. V. Jones.

'This is what happened,' Jones explained excitedly. 'I was going home in my car with some friends, and I came to Ridge Avenue. I stopped, and then I started across. When I got to the middle of the corner — *zip!* This woman in her car, going about sixty miles an hour, bumped into me. Glass flew all over and I did n't know anything for a minute.'

The officer took down in his notebook the names of the persons who were in the Jones car. He asked them if Jones's story was correct. They agreed. Yes, that was what happened.

Having finished bandaging Jones's arm, he turned to the driver of the other machine, which was a Ford sedan. The woman gave her name as Mrs. T. S. Moulton.

'How did the accident occur, madam?'

'Not the way you have it there,' she said, glancing at his notebook. 'I was on my way south on Ridge Avenue, going to my daughter's home in Chicago. I was traveling between twenty and twenty-five miles an hour when this car darted into the intersection from Monroe Street. I tried to swing around him, but could n't, and he hit me. Unfortunately, I was alone and have n't any witnesses. Mr. Jones did not stop before entering the Avenue.'

Here was a nice case. Obviously one of the drivers was not telling the truth. But why not let them fight it out in civil court? After all, not a great deal of damage was done. That, however, is not what the Evanston accident squads are paid and trained to do. They work for the public, and it is in the public's interest that violators of the law be discovered and punished; else guilty drivers will continue unrestrained, perhaps to kill somebody.

While the questioning was going on, the other officer was a very busy man. He measured with a tape the skid marks left on the pavement by the two cars. He observed closely the damage caused by the impact. He even took a camera from the squad car, set it on a tripod, and photographed a piece of evidence that seemed to him significant. Then he rejoined his fellow officer.

'If you don't mind,' he said, addressing both Mr. Jones and Mrs. Moulton, 'I'll test the brakes on your cars.'

He attached a decelerometer (a device for measuring the rapidity with which cars slow up) to the running board of each car in turn and brought them to a stop from a speed of twenty miles an hour. He observed closely the readings on the instrument. Then he addressed Mr. Jones.

'Why did n't you stop before entering Ridge Avenue?'

'I did,' Jones replied.

'These are the skid marks left by your rear wheels, are they not? Notice that they start two feet behind the stop sign and continue to the point of collision forty-eight feet away. You could n't have stopped, could you?'

'Well, I slowed down to practically nothing.'

'But did you? From the test I made of your brakes, you had to be going thirty miles an hour to leave a skid mark forty-eight feet long, and there is no telling how much farther you would have skidded if your car had not struck Mrs. Moulton's car.'

'I did n't strike her car, and I have witnesses to prove it. I have witnesses also who know that she was doing at

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least sixty miles an hour. How about that? Don't you fellows care anything about speeding?'

'One at a time, Mr. Jones. First, I think I can demonstrate to you why it is that I am reasonably sure it was your car that struck hers and not the other way round. Understand, I am not asking you for a confession; I am merely giving you the evidence that will be presented in court. Your car is damaged on the left side and front, and hers on the right side and front. But look here. Do you see the circular dent made in her right front fender? That measures exactly thirteen and a quarter inches in diameter. So does the rim on your left headlight. I photographed both the dent and the light a minute ago. Also observe that some of the green paint is missing from her fender, and take a look at the small piece of green paint sticking to your light. Is n't it pretty clear to you that your headlight made that dent? And if it did, is n't it plain that your car did the striking? As for the speed at which she was moving, the skid marks left by her tires measure thirty-six feet. According to the tests I made of her brakes, if she had been traveling sixty, the marks would have been at least two hundred and seventeen feet long.'

This case wound up in court, where Mr. Jones pleaded guilty to failing to heed a stop sign and was fined twenty-five dollars and costs. Not being interested one way or the other in suits for damages growing out of the cases they investigate, the police did not know, when they were asked, how much Mr. Jones had to pay Mrs. Moulton for the injury to her car.

III

When an investigation of an accident in Evanston yields evidence that a traffic law has been violated, the police themselves file the complaint against the suspect. This may seem an unimportant detail, but it is fundamental to successful investigation work because the victim is often willing to withdraw any legal action he may have instituted as soon as he has received a satisfactory settlement of his claims for damages. The case of Nick Mangone, the fruit merchant, illustrates the point.

Nick bought a brand-new automobile and he was very proud of it. The next afternoon he took his wife and children for a ride. He planned to go to the country to show the car to his brother. He had proceeded less than a mile when he stopped for a traffic signal to change, and a heavy coupé crashed into him from the rear. The impact bashed in the body of Nick's car. It snapped off the supports for his spare tire and tore the tire. It broke his rear bumper and shattered his tail light. Close inspection showed that it also shoved the rear axle forward four inches. It was a hard bump, and Nick's children in the back seat were bruised and frightened.

The little Italian was angry. He flew out of his car. He called the careless driver every bad name in his two-language vocabulary — but with scant satisfaction. This gentleman slouched over his steering wheel in a drunken stupor and scarcely heard or saw his accuser. It was a clear case for the accident investigation squad; little detective work was necessary. Nick's indignation knew no bounds when they drove up. 'He smash my new car!' he cried. 'He almost kill my children! I have him jailed.'

The case was scheduled on the court docket for the following Thursday. On Wednesday Nick drove up to the police station in a spanking new car. It was not the damaged one repaired. There he found the director of the Bureau of Accident Prevention, the

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man in charge of the traffic detective work.

'Mr. Kreml, Mr. Kreml,' called Nick. His voice was dulcet and his grin sheepish. 'I think I drop my charge against Mr. Powers. He's nice man, very nice man.'

'Do you mean to say that you don't want to punish a driver who smashes into you blind drunk and comes within an ace of killing your children? Do you want him to do it again and maybe kill somebody next time? What's the matter with you?'

Nick was ashamed and worried. He said, 'I know, Mr. Kreml, but the kids, they were n't hurt. And Mr. Powers, he's a nice man. He give me a new car and a hundred dollars.'

Naturally it was with satisfaction that Mr. Kreml informed Nick that he had no charge to drop, because he had not filed one. The investigating officers had made the complaint and they would see the case through court — and subpœna the fruit dealer as a witness despite his unwillingness to testify. Nick's satisfactory settlement was no reason for permitting a drunken driver to operate an automobile undeterred on the streets of Evanston.

Sometimes an accident occurs in which only one person is involved. The drunk who literally wound his car around a large tree was an example. In addition to paying for sundry repairs on his person and many repairs on his automobile, he was convicted of driving while intoxicated and was sentenced to pay a fine of two hundred dollars and costs and spend ten days in jail. A woman drove through two barricades at the dead end of a street and catapulted down a steep embankment almost to the surface of a drainage canal. The downward plunge of her car was stopped only when it collided with the concrete foundation of a bridge which was under construction. It was a comparatively simple task for the accident investigation squad to find ample evidence that she was guilty of excessive speed and careless driving.

Not infrequently evidence is found that both drivers involved in an accident are guilty of a violation. In these cases the police prosecute both, and, in each separate action, subpœna the other as a material witness.

The cases so far described have required detective work of an intelligent variety which has proved to be exceedingly effective, but occasionally the investigating officers display an ingenuity in gathering evidence which is disconcerting indeed to the breakers of traffic laws. Let me cite a typical instance.

There was a terrific crash between a Packard sedan and an Essex coach, the impact of which was so violent that the lighter machine was thrown ninety-four feet from the point of collision at right angles to its direction of travel. The skid marks of the Packard extended from six feet behind a stop sign to the point of collision and then up over a curb, through some soft earth, and on to a sidewalk, a total distance of ninety-one feet. This car had been removed from the scene before the officers arrived.

The next day in court the driver of the Packard, on advice of counsel, denied that he had exceeded the speed limit.

'But the skid marks left by your car were ninety-one feet long. That indicates a speed of at least fifty miles an hour, and you skidded more than half of that distance after hitting this other car.'

'How do you know they were left by my car?' he asked. 'On a busy intersection where hundreds of cars pass every day, how can you claim that a particular set of marks was mine? I

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dare say that the intersection is criss-crossed by dozens of marks where drivers have locked their brakes. You did n't see my car on the sidewalk where you claim it was; it was removed to a garage before you arrived.'

The officers presented a set of photographs which they had made of the accident and the intersection. One showed the damage done to the Packard (the picture was made in the garage to which the car was taken), and a second the damaged Essex. A third showed the actual skid marks left by the two cars, and a fourth was a large picture of the corner proving that the view of neither driver was obstructed. The police then presented a diagram tracing the paths of the vehicles both before and after the crash. But the driver of the Packard and his attorney were unimpressed.

'You can't prove that those skid marks were left by my client's car. And, as a matter of fact, they were not.'

So the police played their high trump. The car, which had skidded over the curb, through the soft earth of the terrace, and on to the sidewalk, had left a deposit of dirt on the walk. A close-up photograph of this deposit revealed clearly the herringbone design of the tread of the tire which left it. The police then exhibited a close-up photograph of the right front tire of the Packard — with the identical herringbone pattern.

The driver pleaded guilty to charges of speeding and failing to stop at a through street, and was bound over to the grand jury.

Before passing on to perhaps a more interesting phase — and certainly a more spectacular phase — of the traffic work of the Evanston police, it may be well to pause here and justify the pains that these officers take to convict the violator who has caused an accident. Although the work is punitive in nature, its main purpose is not so much to punish the lawbreaker as to prevent automobile accidents within the city's limits.

The Evanston Bureau of Accident Prevention began its work on September 1, 1929. In the first eight months of that year eight people had been killed by automobiles within the city. The normal expectancy for the remaining four months was four or possibly five deaths, because September is the highest accident month of the year. But only two deaths from traffic mishaps were recorded between the first of September and the last of December. That was an encouraging start.

In 1930, fatalities were reduced 40 per cent in Evanston, while in the country as a whole they increased 5 per cent. This record is all the more remarkable when one reviews comparative death rates for 1930. During that year in the United States 26.7 persons were killed in automobile accidents in every 100,000 of the population. The rate in Evanston was 10.5. In the same year Wilmette, the neighboring suburb to the north, had a rate of 18.5; Chicago, to the south, suffered a rate of 26.2; and Niles Center, the suburb to the west of Evanston, experienced the terrific death rate of 115.4. It is apparent, then, that Evanston has become a comparatively safe oasis in a death valley. Even drivers from Chicago and North Shore suburbs, who teem through Evanston daily, came quickly to realize that in Evanston an accident could not be dismissed by turning it over to one's insurance company for the settlement of claims, but that a criminal proceeding would also have to be faced.

Evanston's good record was continued in 1931, and in 1932 the city won first place among cities of between 50,000 and 100,000 population in the National Traffic Safety Contest con-

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ducted by the National Safety Council. It also shared with Pittsburgh the grand prize in the contest.

IV

The most baffling of all the crimes committed with an automobile are those in which the drivers hit and run. This kind of case is often far more difficult of solution than larceny or even murder, because there the clue of motive is lacking — there never is a motive. Nobody wants to kill a person with a car.

Imagine such a case as the following.

Through Evanston runs a boulevard which carries fast traffic from Chicago up into Wisconsin. The thoroughfare is well lighted with electric lamps set in pairs on either side, but one night it was foggy and a misty rain was falling. The lamps emitted a faint yellow glow that barely reached the pavement.

Along the street, pedaling carefully, comes a boy of twelve on a bicycle. He rides about four feet from the right-hand curb and frequently looks back over his shoulder to watch for coming automobiles. Finally he arrives at a corner where he must turn left across the boulevard. Looking back, he can see the lights of two automobiles approaching, one nearer than the other, but both far enough off to permit him to cross safely. When he is almost across he sees that the first of these cars is coming at a fast clip on the left-hand side of the street and bearing down on him rapidly. Horrified, he throws his whole weight on one pedal in a desperate effort to get out of the way. His rear wheel slips on the wet pavement. He skids and falls entangled with the wheels of the bicycle.

The driver of the machine, talking with a group of friends, sees nothing in his path until it is too late to stop or swerve around the boy. He hits the prostrate figure, and speeds on through the darkness.

The only witness of the crash was the driver of the other automobile which was approaching. Thinking that the victim was killed, he hurried after the criminal driver and followed him for several miles. He got close enough at one place to see that there were four or five men in the car. This frightened him and he gave up the chase. He hurried back to the scene of the accident, found that the boy had been removed, and then reported to the police station. He had not obtained the license number of the car. All he could say was that it was a big black sedan that looked like a Stutz.

Anybody will agree, I think, that this constitutes a difficult case to solve. The clue is of the scantiest sort; there has been a delay of valuable time between the crash and the report to the police; there could be no motive. Yet by ten o'clock the following morning the driver had been apprehended, had entered a plea of guilty, and had been sentenced to serve a ninety-day sentence in the county jail. Fortunately for him, the boy's injuries proved not to be fatal.

How did the police do it? As soon as the case was reported, a call was sent out over the radio requesting all squads to be on the lookout for a car of the general description given. About two hours later a squad of plain-clothes detectives cruising the alleys of the city saw a colored chauffeur putting a big Stutz limousine into a private garage behind one of Evanston's mansions. They questioned him about the accident. 'No, sah, Ah have n't been no'th of Main Street all evening. Ah just drove the boss to the movies on Howard Street and come right back here.' He was sober and cool. The detectives inspected the machine and found nothing amiss. Only because of a

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blanket order in the department to refer all accident cases to the accident men did they call the station. The chauffeur repeated the same story to these special officers when they arrived. But in scrutinizing the machine they found a pan-like depression on the left front fender and on it a few drops of what might be blood. Scraping off a little of this into an envelope, they left.

The next morning the officers hastened to the crime laboratory of Northwestern University to have the contents of their envelope tested. It was human blood. Returning to the garage, they found the chauffeur.

'We have come to arrest you for striking a boy on a bicycle on Dempster Road at eight-thirty last night,' they informed him.

'But Ah was n't on Dempster Road last night,' replied the Negro.

'This car was,' the officers countered, 'and this car hit the boy. Perhaps we shall have to dust the steering wheel for finger prints to see who besides you was driving it last night.'

Then the chauffeur confessed. 'Yes, Ah hit him,' he admitted, 'but Ah was scared and went on.' He added that after dropping his boss off at the movies he had taken some of his friends for a ride.

Was it luck that this hit-and-run driver was apprehended? Then perhaps it is luck that accounts for a higher percentage of convicted hit-and-run drivers in Evanston than in any other city in the country. During the three years from 1930 to 1932, 279 of these cases occurred in the city; of these, 224 of the drivers were apprehended and 167 were convicted. Reports from other cities being unavailable, an appraisal of this record can be made by considering the figures for Evanston in 1928 when no accident squads were operating on the streets of the city. In that year 62 hit-and-run cases were reported, 11 of the drivers were apprehended (6 of them by civilians), and only 5 were convicted.

V

On reading of these strange new police activities, the thoughtful citizen in another city may pause and say to himself, 'That is fine work. My family would be safer in Evanston than here. *But it must cost a plenty!*' Oddly enough, the operation of the accident squads in Evanston has not cost the taxpayers a cent. The squads not only protect the people of the city, but actually save them money. When the Bureau of Accident Prevention was organized, not a single man was added to the force, nor has one been added since. Besides, many traffic criminals are required to pay steep fines in Evanston who would go unmolested in other cities.

Some special equipment was purchased, to be sure, but it included little more than a steel tape, a camera and tripod, a decelerometer, and a portable typewriter. Many times this whole outlay has been saved in lamp posts alone. Yes, in lamp posts.

In the summer of 1932, Evanston decided that its old-fashioned corner street lights ought to give way to a modern illuminating system. Tall, graceful cast-iron posts were set on both sides of the principal thoroughfares every one hundred and fifty feet. They were placed near the curb to give maximum illumination to the roadway. But motorists ran into them and knocked them over with unconscionable frequency. The accident squads were given the task of solving this problem. They determined to find each driver who knocked over a post and make him pay for replacing it. Here, in brief, is a typical case.

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About the loneliest place in the city is that section of Chicago Avenue which runs between Calvary Cemetery and the Chicago and Northwestern Railroad tracks. One night last fall, sometime after midnight, a driver took a near-by corner on two wheels, leaped the curb, and completely demolished one of the new lamp posts. The damage was not noticed until the following morning when a patrolman passed the place on his way to the station.

The accident investigators found the case very unpromising. On fragments of the post was some black paint. Near by lay a couple of pieces of broken iron. To the layman these would mean nothing at all, but to the officer of the Bureau who has specialized in automobile parts they indicated bumper brackets, La Salle car, 1931 model. Here was a clue.

The officers immediately put in an order at all La Salle car and motor-parts dealers in the suburbs and in Chicago to notify them when anybody wanted to buy such a part. Several days passed. Then they received a call from a wholesale house in Chicago which reported that a certain dealer on the west side of Chicago had ordered a set of the brackets. The officers went there, found out who had ordered the part from him, and then hurried to the man's home. The broken pieces that they had picked up at the scene of the accident fitted perfectly with the pieces still on his bumper. Later he paid a fine for careless driving and reimbursed the city $168 for a new lamp post.

The Evanston police are proud of their 'lamp post' record. Between August 1, 1932, and the first of the new year, twenty-one of the posts were damaged. The police apprehended nineteen of the drivers, most of whom paid fines for one kind of violation or another and also stood the cost of a new post. At an average price of about $150, the accident squads saved the taxpayers of Evanston enough money to buy a dozen cameras and decelerometers — in lamp posts alone!

If any one person can be credited with these accomplishments of the Evanston police department it is Franklin M. Kreml, youthful director of the Bureau of Accident Prevention. He perfected the technique of investigating accidents which he found in use in Detroit and Cleveland. He also procured the adoption of his methods by many other police departments. No less than fifty-seven cities have begun to investigate accidents in the manner which Evanston has followed with such success. These cities include Chicago, New York, Washington, Philadelphia, Milwaukee, Wichita, Minneapolis, St. Paul, and many smaller places.

Mr. Kreml estimates that at least a fourth of all automobile accidents are caused by lawless driving. This substantiates a remark made by Edward A. Ross, the sociologist, some years ago when he said that the person who designates the ordinary accident as an 'act of God' is guilty of blasphemy.

Now, suppose we let the writers of mystery stories go to work!

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THE ACROBATIC SNAKE

BY CHARLES D. STEWART

I

FOUR years ago, when I brought a snake into the living room and put it down to observe its way of locomotion, my natural feelings toward it were tempered somewhat by the view of the evolutionist. That view is that the reptile is the ancestor of the bird. Therefore, a scale is a scale, whether upon the body of a bird or a reptile; and anyone who shrinks from contact with a snake had better be careful not to touch the legs of a chicken.

In this regard, every little bird upon the lawn is standing up to its shanks in its own reptilian ancestry; and every little bird in its nest, opening its mouth so astonishingly wide to receive the worm that you feed it, is confronting you with the reptilian gape. Bird and snake have each the reptilian quadrate bone whose function is to throw the jaw open at the back as well as at the front; and thus it is that the snake can engulf its prey and the pelican find room to swallow a fish; and the mother robin, opening her jaws like parallel pliers, instead of like the human jaw, is enabled to take home many pieces of angleworm with no danger of dropping them. In these and many other ways the bird is 'a glorified reptile,' and the snake is an ancient cousin of the canary.

From the reptile to the bird would seem to be the farthest call in nature. They are extremes of the most unlike. But the common sentiment in favor of the bird is a view that hardly goes as deep as the feathers. If one were to make a list of all the reptilian qualifications of birds, as Launce did of the virtues of his prospective wife, the catalogue would stand about as follows: —

Item. Birds and reptiles both have scales.

Item. They both lay eggs.

Item. The little chick in its shell has a flintlike end on its soft bill wherewith to peck its way out into the world; the little snake has the same; and in both cases this little tool is discarded after it has made that single hole.

Item. Among its characteristic structures the bird has a gizzard. So has the alligator.

Item. The little bird forming in the shell has a tail like a lizard and other reptilian features.

Item. While the bird has a four-chambered heart, the great systemic artery, originating in the left side of the heart, makes a bend over to the right, a feature that is not found in other four-chambered hearts. Any comparative anatomist, familiar with the pipe lines of life, can see at once how the bird's heart has been altered from that of the reptile in order to give it pure oxygenated blood, advantageous in flying.

Item. The proud American eagle, which, although it prefers to live on fish, does not catch its own (for which

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reason Benjamin Franklin so strongly disapproved of it as an emblem), is not considered by European naturalists to be a true eagle. It is rather an erne. A distinguishing difference is that the true eagles are feathered to the toes, whereas the American or bald eagle has its legs bare like a chicken. Between these extremes, other birds wear their leg feathers at different heights, and the extra feathering can be bred in, as in pigeons. By this encroachment of the feathers down the leg we may see the scales in metamorphosis; and as the scale or young feather frays out and goes through its stages we may see the process by which the scaled creatures of the past became the feathered creatures of to-day.

Item. We might set aside all such considerations and simply take a look at the Archæopteryx, a lizard-like bird which was found, with all its delicate tracery complete, in the lithographic limestone of Bavaria. The tail, with twenty vertebræ and a pair of feathers growing from each, trailed behind and balanced it like the tail of a kite. While it was feathered, it had the mouth and teeth of a lizard; and it resembled a present-day bird, the hoactzin, in having claws on the wings for grasping a branch or handling prey. And the skeleton had a feature which no animal but a bird has — the merrythought, or wishbone. Anyone who loves birds and sets his heel upon the snake might here ask himself a question. If he were to see an Archæopteryx in the orchard, would he go into ecstasies over its feathered beauty, or would he rather run from it as from that most horrible of imagined things, a winged reptile?

Item. The snake, like the bird, is the descendant of a lizard-like form. The snake is a former quadruped; it is not a decadent or primitive type, but one that is highly specialized. Like the whale, which has small hip bones and legs buried deep beneath its fat in memory of the days when it was a land animal, some snakes, the boas and pythons, have the hip girdle still remaining; and in one kind the legs show themselves outwardly in the form of spurs. The snake is a quadruped that has come completely down off its legs. It is little more than a specialized spinal column; and the wonder is that it can do everything necessary, and do it so deftly, after having thrown away nearly all the conveniences of other animals. It was this that made Solomon marvel. 'The way of a serpent upon a rock' was to him one of the few special wonders of the world.

II

As I was about to say, this problem of locomotion interested me; and, having studied snakes out of doors with little result, I caught one and brought it into the house. I put it down on various surfaces — first upon a large rug, then upon the polished oak floor when the rug was taken up, and finally upon a glass door of my bookcase which I took off its hinges and rested horizontally between two chairs so that I could lie beneath and look up. And then, as I did not seem to get at the secret of snake machinery, I put it in a cage and kept it for repeated observation. I did not know how a snake worked. And I had become satisfied, through the reading of many books, that no one else knew.

Although I made many experiments in the course of four years, and devised some apparatus to bring forth facts, nothing that I did in this way proved so interesting as did the voluntary doings of the snake itself. I soon discovered that the most scientific procedure was to wait and see what the

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snake would do next; and that the one great experiment consisted in having the snake under constant observation. And a snake in the hand is worth any number of snakes in theory.

Of all the things that animals have taught me about themselves, the fact that a snake can walk a wire was the most surprising. Not by training or any sort of suggestion on my part, but naturally; and with that flowing grace and consummate ease which distinguish anything a snake may do. The wire in the case was the shortest distance between two points; and the snake, an animated line of beauty, was simply engaged in going from here to there.

When you consider that a snake virtually skates through life, being thereunto provided by nature with a belly as smooth as ice, it would hardly seem fitted for such tricky footing. But there is no mental difficulty to be dealt with as a snake approaches the subject. When it encounters a wire it simply flows out on it with its head weaving from side to side; thus it distributes itself along the length with every few inches of its body falling alternately to this side of the wire and to that. These downward curves of the body are but slight — merely enough to put more of the weight below the wire than there is on top of it. Thus draped along, with five or six curves on each side, the snake is really hanging from the wire, though one would say that it was poised on top of it. The weight on each side must be equal. It now goes along, not by shortening and lengthening itself or changing the curves, but by flowing through the curves of its body as thus accurately distributed.

Anyone who has watched a snake winding its way through the grass or on the ground must have noticed how the head, darting from side to side, marks out the path. On a wire the regularity of this motion is brought to the attention; and we now see that the head, instead of merely finding a path through obstructions, is striking out curves upon some necessary principle of locomotion. Gracefully it veers from side to side and marks out a measured pathway through the air; and through that very course each part of the body comes flowing along. It is done as easily as an old-fashioned writing master, with his lined copy book before him, would conduct a swelling and flowing scroll along the printed track.

Before the snake walked the wire, which I was kind enough to provide, it had demonstrated its ability to do so by getting up on the edge of ordinary fly screen, of which its circular pen was made, and going round and round on that. I left the top of the pen or cage open for easy access; and, since the screen was fourteen inches high and the snake only eighteen inches long, it was not quite able to get over the top. But it had not been long in confinement when it discovered that it could get out by taking advantage of a squat custard cup in which I kept its water, and in which it liked to lie coiled for hours at a time. When the cup happened to be set close to the screen, the snake would prop its length on top of the flat handle, and, standing up stiffly, would get the couple of inches of added stature necessary to hook its chin over the edge. After several escapes, one of which involved a long search and the final discovery of the snake in a bread pan, I was more careful to set the cup at a point where the snake could not use it as a step-ladder.

For people who like mechanical puzzles, I would suggest a study of the method by which a snake is enabled to flow over the edge of a wire screen.

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First it gets its chin hooked over. On one side, now, is its head; on the other side hangs the whole length and weight of the body. Then, without any wiggling or climbing or working of evident mechanism, it seems to defy the law of gravity by flowing over the top. It is as easy as if the head were made of lead and bore the other part down. The working of the broad scales or scutes upon the thin edge could hardly do it, because no two scutes are in contact at one time. They cannot get the necessary alternate motion, one catching and holding while the other is brought forward for further progress. The working back and forth of one slippery scale would not result in advancing the snake against the pull of its weight. And besides, there was no movement of the scales evident. Problem: How was it done?

One may experiment all he wishes, but in the end he has got to reason. I finally came to my own solution of the matter. Instead of the live body of a snake, let us consider an iron hook — a very smooth one, bent upon the end of a smooth and slippery rod. When hung over the edge of the wire screen, the rod would naturally, because of its weight, be supported at the deepest point in the hook. Now, if the rod or bar had the live faculty of shifting the point of curvature progressively down its length, it would automatically slip on the edge of the screen and finally transfer its whole weight over, and fall on the other side. As the snake changes its point of curvature, mere gravity causes the edge of the wire screen to slip to the deepest part of the curve, and locomotion is achieved with no mechanical contact other than that of a slippery surface. Observe as closely as I might, I could see no other explanation; and I submit this as a possible contribution to recent studies in snake locomotion.

III

We shall learn more about the snake as it performs upon my finger — a support somewhat thicker than the edge of the wire screen. I take up the cage and pour the snake out on a rather broad window sill. The snake immediately turns toward the light and stops with its nose pressed against the pane. As its head is raised an inch or more on account of the wooden frame, there is a V-shaped vacancy under its throat; into this I slip my finger. I lift slowly, whereupon the snake hooks its head over the finger and holds on while it hangs at full length. It wishes to get down and go on its way; but it does not let go and drop, as one might expect. It continues onward over the finger. Here the alternate working of the belly scales or scutes might come into play; it seems logical that they would; but I have never been able to feel such working even with a three-foot snake.

The snake expects to continue on over and be on its way; but when it has gone over nearly all its length I raise my hand so that the sill is out of reach, whereupon the snake gives its slender tail a turn or two around my finger and firmly puts on the brakes. A snake can stop at any point, hanging like a hook; and it flows over at even speed through any part of its progress, which shows that the running-hook action, which I have described, here comes into play. If, while it is hanging head downward almost full length, I tempt it by letting it down nearer the sill, I can feel the slender coils loosen while the snake drops a little — it may be a small fraction of an inch. In this use of its tail it has a brake band like that of an automobile, and it has admirable control. If, now, it finds that it has let itself out as far as possible and still cannot get to the sill, it will

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turn about, doubling on its length, and come up and rest upon my hand. In any case, it will not drop. It must be remembered, though, that I am speaking of snakes that were not frightened. A snake that is panic-stricken will throw itself instantly from a height.

When I speak of a snake's tail, I refer to a definite part which is as distinct from the body as is the tail of a quadruped. On the under side of the body are scales or scutes extending the full width of the belly, and they are capable of working back and forth to some extent, their ends being attached to the ends of movable ribs. These scutes terminate at a point which marks the end of the body, which is also the end of the intestinal canal, as in a quadruped. From that point on, the bottom of the snake has small scales like the top, so that, when you view a snake from below, the tail is plainly in evidence. It is prehensile like the tail of a New World monkey, and the snake uses it in the same way. This feature marks the snake as a creature of arboreal skill. We regard the snake as a creature built close to the ground and forget its ability to make its way about in trees and bushes, and to live, as many do, upon the eggs of birds. In thick patches of mesquite and like bushy growths a snake may take to flight right through the maze of branches; and it is a common sight, on sunny banks, to see a bush draped full of snakes taking their Falstaffian ease.

IV

A snake's disinclination to let go and fall came to my attention every time my snake succeeded in getting up on the edge of the tall cage. In that case it would look about for the next means of escape, and it was this endeavor that brought me the demonstration of wire walking. The cage was set in front of a window, near which was a sewing machine with a box on it; and between the two was a long-handled broom leaning against the wall. The snake, mounted on the thin edge of the screen, and going round with its skillfully balanced curves, would stop and reach out almost to the handle of the broom and over toward the box on the machine. It evidently wanted to make the crossing, and was in need of a path. I moved the machine farther away and provided a path consisting of a piece of wire from the cellar. The wire, three sixteenths of an inch in diameter, was somewhat rough and rusty. Whether the snake could have gone across so well on a path as shiny as a knitting needle might be open to doubt; but from what I have seen I am prepared to give a snake a great deal of credit.

The snake is not the only reptile that is legless. There are lizards of serpent shape, notable among them being the so-called glass snake of the United States and the slowworm of Europe. A notable difference between a snake and a lizard is that the lizard has eyelids. The snake's eyes are covered with insensate epidermis of glasslike transparency, like the crystal of a watch. It thus makes no difference to a snake if it happens to hit its eyes on the side of a narrow hole; it has a protection much better than eyelids, which must do their work by opportune blinking.

When a snake sheds its skin, this covering of the eyes turns milky white and shuts off vision to the extent that the snake is temporarily blind. But the blind snake has a skill that serves it; and if you throw a fishworm into the cage the blind snake's ability will soon become manifest. When it is not blind, a snake will watch the worm awhile to make sure that it is alive, and will then snatch it with a move as

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quick as lightning. But when the snake is blind it examines the worm by putting its chin on top of it and feeling about. Then it seizes the worm by the middle or any part of its length, and it works it along till the end is reached.

Sometimes a worm, because of its ability to stretch out and become thinner in any part, will get itself partly through one of the small openings in the screen, — a fishworm can easily go through a hole half its size, — and then, swelling up on the other side, it has a great advantage in a tug of war. In this case the snake will brace itself and pull until it has won the victory. It is as determined in the work as is a robin bracing itself against a worm that does not want to come out of its hole. This persistent battle with a stubborn worm is the most bird-like thing I have seen a snake do.

V

According to the most accepted authorities, a snake gets ahead by either of two methods. If it is in a hurry, it takes hold of the ground with the forward part of its body by raising the edges of several of the broad scales or scutes upon the belly, and while these prevent it from slipping backward the rest of the body is brought forward in a series of lateral curves. Next, the scales at the rear of the belly engage the ground while the body is being straightened out; and by these two operations it makes a complete step forward. If the snake is not in a hurry it gets ahead by the scutes alone, working them back and forth all along the belly and pushing against the ground with the raised edges so that there is a constant movement forward.

All this looks as reasonable as it sounds. The information would seem to come straight from the tree of knowledge. But after spending much time in following snakes that were undoubtedly in a hurry I have failed to see any of this pulling together and reaching forward by means of opening and shutting the curves. The body of the snake flows forward along the same curves, like a train on a winding track or a stream within its banks.

With the encyclopædia bearing witness to the contrary, a man of modesty will naturally distrust his own eyesight; and he will wish for an instrument of precision with which to come closer to facts. I was about to devise such an instrument when it occurred to me that I had one all ready for use. It was only necessary to follow a snake through the grass, and especially through June grass, to get a safe answer to the question. In a meadow closely grown with the tall, straight, delicate stems of June grass, a snake, changing its curves, opening and shutting like a collapsible hatrack, would necessarily push the grass aside and bend it over; and the tops would make the slightest movement visible. But a snake will flow right through a thick maze of June grass and hardly disturb a stem.

A host of books will tell you just how a snake operates, some going into the authoritative particulars, and others saying quite easily that it is done by 'a sort of wriggling movement.' A man who willingly takes words for knowledge would soon be enlightened upon the subject, for on paper there seems to be no difficulty whatever. But, as Galileo said, the world we are living in is not a world of paper.

Thinking it over, one would suppose that this method of getting ahead by opening and shutting the curves would be impractical, if not impossible. In drawing itself together to make another reach forward, the body of the snake would be sliding sidewise against ob-

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structions all along the curves; it would be pushing against stones on open ground and moving them aside or crowding them together; and in grass it would be pushing over and flattening a swath equal to its whole width of travel. This would take much force, especially in making speed. It is doubtful whether the shallow scutes would catch and hold powerfully enough to move against such obstacles. A snake thus operating would seem to be a most inept and ill-adapted piece of machinery.

VI

Next we take up the theory that a snake can move forward in a straight line by the use of the scutes alone; and we wish to know what a snake actually does when it cannot move in curves. In a state of nature we should expect a snake to move in this way through long passages or holes no wider than itself. I therefore built two tunnels twelve feet in length and of a width exactly to fit the girth of two garter snakes, one of them thirty-five inches in length and the other eighteen. This tunnel was made of smooth pine and was roofed over with wire screen so that the snake's motions could be observed. I must confess that it is not easy to take hold of an unwilling snake and insert its whole length into a groove into which it does not wish to go; but with the assistance of Mr. August W. Pollworth, of Milwaukee, a friend who caught snakes with me when we were boys together and who later became not only tolerant of snakes but actually fond of them, the trick was done, and I put the snakes through many courses along this straight and narrow way.

What was my surprise to find that in such a place a snake does not go straight ahead, and that it does not have to. It takes hold with the forward part of its body while the rest of its length is pulled ahead into a large number of kinks or curves all touching the sides of the tunnel. In other words, it makes all the curves it can in the spare space at the sides of its tapering form. It then takes hold in the rear and straightens out all these curves, thus making a definite advance with each step. The whole process is beautifully reduced to slow motion in such a place. The alternate pulling together and reaching forward would be well described in the darky phrase 'inching along.'

Thus the snake in strait quarters uses the very method that has been described as useful in making speed, and which it evidently does not use when it is out in the open and in a hurry. It also becomes evident that, as a snake tapers from its middle girth toward both ends, it never, in a state of nature, gets into a place so narrow that it cannot use its kinks or curves as a means of taking steps. There is always room for it, inevitably; and I have never been able to get a snake in a tunnel to advance in any other way.

Certainly a snake can raise the rear edges of its scutes; and it can move them forward and back to some extent. When you place a snake on a large sheet of glass and look at it from below, the movement as the snake struggles to get ahead on the smooth surface might be described as a shrugging of the belly. The movement cannot be seen from above, because the movable ribs, to the ends of which the scutes are attached, slide back and forth beneath the skin like pairs of crutches underneath a cloak. We have therefore been told that a snake 'walks on the ends of its ribs' — a rather poor description. But, as it certainly has this mechanism, it logically ought to be able to move ahead on its scutes,

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either in a straight line or in curves, as by a multiplicity of little steps. If it does not make haste in the open by alternately pulling together and straightening its curves, it must be wholly dependent upon the mechanism on its belly, though this would seem to be a difficult way of making speed.

Assuming that it does, a question now arises, and a most pregnant one. A snake using the belly mechanism ought to be able to move ahead on a straight line. Why, then, does it always travel in wide curves? It is as if a man were always to follow a roundabout course instead of going straight to the object; or as if a railway track were always built crooked where it might be straight. Certainly, if a snake were to straighten out, its scutes would carry it much farther with the same number of steps; it would travel at least twice as far with the same amount of effort. Why, then, does it always travel in curves? If a snake can 'walk on the ends of its ribs,' why does it not do so and go straight to its destination? To follow a curved route does not fit in with the economy of Nature, faulty as her works often are.

Ruskin was greatly puzzled to know how a snake traveling by the movement of its scutes, which he assumed to be its method, could make such speed with steps so very short. He said that the locomotion of a snake 'seems to involve a motion of the scales too rapid to be conceived.' As a mechanical problem he had to give it up; and he describes it inspirationally as 'one soundless, causeless, march of sequent rings, and spectral processions of spotted dust, with dissolution in its fangs, dislocation in its coils.' This is a beautiful group of words, but Ruskin can hardly be considered to be speaking as a man of this world. Owen said that a snake can 'outclimb the monkey, outswim the fish, outleap the zebra, outwrestle the athlete, and crush the tiger.' True enough. But how does it perform the ordinary, everyday function of moving from place to place?

VII

The reader who has hopefully followed me thus far must now be prepared to have me say what I might have said sooner. I could not find out how a snake gets ahead. Rather I came to have a thorough and well-founded ignorance upon the subject. Besides having various snakes in my study for nearly four years, I at last took into my hands seven varieties of snakes in a traveling snake pit, and the whole result of my experiment and speculation was that I had just begun to find out how much I did not know. One snake, a garter snake eighteen inches long, which finally came to be known as Pete, I had for a year and a half; and then I had to release him in the fall because the dry season brought such a scarcity of angleworms that I could not lay in his store of winter food. This snake kept active all winter instead of hibernating, and shed his skin three times each summer.

Quite recently — less than two years ago — the University of Michigan completed some experiments intended to solve the problem of snake locomotion. This means, of course, that it had not been solved — a piece of reliable news that was quite gratifying to me. When a man thinks he does not know a thing it is very pleasing to him to find out that he is right. But now the problem has been solved, and there is a large body of information upon the subject that has not yet been published.

While I might be able to give an idea of it through studying an abstract of a lecture given by Dr. Walter Mosauer, of the University of Cali-

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fornia, I shall not attempt to put it formally in words, for reasons which the reader will appreciate. The snake, like other things in life, is complex in its simplicity. Let us suppose that I were to undertake to explain, in strict engineering detail, how a slippery plum seed pops forth from the pressed-together fingers. A diagram in demonstration of the forces would require arrows to show the direction of pressure of the finger and thumb upon the opposed sloping surfaces, and yet other arrows to show how these forces were translated into forward movement. It would be an engineering problem requiring one to knit his brows, whereas we all know that a plum seed just snaps forward naturally when pressed.

It is somewhat the same with a graph illustrating the forces acting upon a snake's progress. With its body curves and the sides of its smooth, flattish belly, it is always pressing sidewise and slantwise on little stones or hummocks or stems of grass, and constantly slipping past. That is what the wide curves of the body are for — to give the angle of incidence upon the passing object. It is popping forth from between these things on either side of it somewhat like the plum seed; but, instead of a sudden impulse, the snake's head is striking out new curves ahead and the body is following along with a constant outward pressure and a constant slip forward. Simple as it might look, it took astute mechanical insight and careful experiment to solve the problem — a thing I should probably not have been successful with in my experiments at home. When I learned that the University of Michigan had taken hold of the problem and worked it out in engineering fashion, I had a feeling of personal triumph. I did not know how a snake worked, and I continued to insist that I did not know in spite of all the books and all the words. And that is a sort of intellectual feat in itself.

In the Age of Reptiles, Nature produced some astonishing examples of animal design. There was the fifty-ton beast of the field whose stature was such that it 'could easily have looked over the top of a four-story building.' On the same scene were the carnivorous cousins running on two legs for the advantage of speed, and seizing their prey with sawlike teeth a foot in length. There were flying reptiles which, from running so fast on two legs, had learned to glide and soar and to fly on a spread of batlike wings that were twenty-eight feet across. All of them, little and big and of great variety, were cold-blooded creatures that grew more active in the heat of the sun; and they laid eggs of a size proportionate. It would seem as if the sun-warmed earth, with all its celestial appurtenances, had been made with the special needs of reptiles in view.

Of all these reptilian creatures, some of which had already risen from the mud to a mastery of the air, we still have with us the turtles, the lizards, the crocodiles, and the snakes, belly-going creatures that walk so humbly that they seem to swim on land. But there are exceptions to these earth-bound appearances. The snake can do everything but fly. The alligator, when excited and really in a hurry, will stand up and surprise one with its abilities as a two-legged runner. It remembers when it was a dinosaur, a creature that went on two legs like a bird. But, of all the descendants of that experimental age, the bird of the air seems the most successful. When one views its specialized performances, the foundations of which were put down in that egg-laying age, it would seem that the Ruling Reptiles had not lived in vain.

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OLD HARRY

BY JOSEPHINE W. JOHNSON

I

For ten years, now, Pagsbrey and Old Harry had crawled up the steps together, cautioned each other off the green park bus and walked up these steps between the cold stone Graces. All the days were quiet. Even up in the gallery where the prints were hung, Pagsbrey could hear the thin sound of the fountain, the slap and shuffle of Old Harry's feet in corridors below. People spoke stealthily, and whispered of brutal strength and power. 'Magnificent! . . . Enormous!' they whispered. 'Charming. . . . Delicate. . . .' And the rustling of their catalogues seemed loud. Pagsbrey sometimes found himself murmuring even in the park where he and Harry went out to eat their lunch together. When Harry laughed aloud he was surprised that the swans did not flap away in terror or the pheasants run and crouch, their gold tufts flattened back with fear. He was astonished sometimes when Mrs. Gobarten could n't hear him. He thought she must be getting deaf, poor soul; then he knew it was only his whispering again.

Pagsbrey had been a professor once, taught Greek and Latin and vaguer things. He supposed he had been a failure — most professors were. It all depended on how soon they found you out; but age had found him first. He had long hours now to think back on his life and wonder what it was all about. More time than he would have asked or chosen, for the days were stretched far out and quiet, changed only by new exhibits and the moving out of lecture chairs. There were times when he wished that people would muddy the marble floors so that he could wash them up again, and he watched all suspicious persons hopefully. 'Go on and steal it,' he would whisper to himself; 'go on and steal it.' But they never did and he always felt wicked and ashamed. He was glad to have something, though — glad he was not like Skel Winkelmann, who rocked and drooped all day at the Old Men's Home and wandered sometimes in his mind, repeating Catullus and the minor odes. At least he, Pagsbrey, was still living, was still living and had found Old Harry.

He would not let himself think what the days would be like without Old Harry — black empty holes without shape or ending. Harry, he found, was alive, and as spry in mind as if he were eight again. He clutched out and held on to all that Pagsbrey told him, even listened with loving care to Pagsbrey's long 'descriptions.' When he first came, Pagsbrey used to stop and stare a long time at each thing, and at night he would see it all as though it were painted on his eyes — long rows of celadon . . . peach-bloom . . . ox-blood . . . the ivory saints with fingers in their beards. Around about twelve o'clock, when the floor was washed and

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the cases polished and there was nothing else he could find to do, he would choose one vase or statue and memorize it until he knew it by heart — red crackle glaze . . . round and pudgy . . . old bone stand . . . very quaint legs . . . a carved rose on top . . . squat like a spider belly.

He had tried to tell Mrs. Gobarten about the vase and how he had wondered how long it would take to tell of everything and come round to the vase again, and if it would still look like a spider then, or if he might think it more like a toad, possibly, or if . . . and how his thoughts had wandered off to the patch of sunlight on a medal and the folded fat of an angel's arm, and how he had once tried to count everything, but forgot where it was he stopped each day and gave it up in a little while. Mrs. Gobarten was very kind, but she was always too busy at night getting hot water for the boarders' baths and clearing up the remnants of their food. 'They must be pretty,' she would say vaguely. 'I'd like to see them sometime . . . ought to go up and see them sometime there.' Her face would be flushed, peering in the heater, her arms and mind full of soiled towels and lint.

Old Harry, he found, would listen, curious and eager as a child. He liked to hear how the jade things looked, as though carved out of soap, and the strange way the Chinese made their rocks, like giant oyster shells or barnacles stuck around with trees. It took his mind off his feet, he said. He even tried to tell of his own things in return, but did not seem able to make them clear in the way Pagsbrey did. 'You should've done books,' he said to Pagsbrey once, 'then maybe you might of wrote the museum catalogue — the big one they keep up on the desk.'

'Maybe I might have,' Pagsbrey said. He noticed that Harry never referred in an open way to his lost professorship, feeling perhaps that Pagsbrey might be shamed by remembrance of this former glory.

Harry himself had been a gardener once, a gardener and then a janitor. He lived with his daughter in a house spore-full and loud with children, and, though Pagsbrey had never seen Loretta, he knew from the lunch that Harry brought exactly what manner of woman she must be. Harry's sandwich was dry and thick, and in it the rind part of a cheese. 'She makes bread herself,' he said to Pagsbrey once, showing him a thick and doughy slice. 'Wonderful!' Pagsbrey said, and Harry grinned at him. His eyes had a gnomish, secret look sometimes, but it was only the tufted way his eyebrows grew. 'Loretta does all the cooking for us. She does it three times a day, and they're twelve of us,' he said. It was a sort of apology for anything she might have said or done.

For almost nine years Pagsbrey had planned to ask Old Harry to dinner in his room. 'I'd like to give him a real course dinner,' he announced to Mrs. Gobarten once, and for nine years they had planned what the food was going to be. 'You let me know a week ahead,' Mrs. Gobarten warned him; 'I'll get you a guinea in from Orpha's.' Her face had a warm, benevolent look as though already she saw Old Harry tasting it. But there had always seemed plenty of time, and the days were so alike that the next would have done as well as this, and as yet Pagsbrey had never asked him.

II

They met each other every morning, Pagsbrey coming down south from Baker, where shabby houses still carried the grille iron of the nineties and the elms had grown enormous, and

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Harry riding up north from the river stilts, always a little late and puffing, his side bulged out where the sandwich was. Once off the last bus and up the steps, there was only old Maffit left to pass, and both Pagsbrey and Harry looked forward to this with a mild, accustomed pleasure. Maffit was tall and plump, with a pink and peevish face. He was a stupid man, and there was little worse, Pagsbrey thought, than a stupid man who knew his duty and abided by it.

'You can't bring no umbrellas in,' Maffit would say on the wet days to Old Harry. 'You got to check all umbrellas before they'll let you in. You can't come in with your rubbers, neither. You got to take all them rubbers off.' He was always early on wet, snowy days and stood waiting to catch them by the door, saying it quick before they had even a chance to take their rubbers off. He liked to pounce on old ladies with umbrellas and send them trembling to the desk, and he liked to have people try the 'Out' stile coming in. Pagsbrey came in a snowstorm once and left his umbrella on the bus, forgotten, but Maffit kept watching him all day, and at noon sneaked through his rooms, believing he must have smuggled it in and hoping to find it opened out to dry somewhere or hung from the Colleoni's rump.

'A deplorable old man,' Pagsbrey said. 'One scarcely knows how to think of him.'

'He's an old fish-bellied snoop,' Harry answered. 'Take yer rubbers off! Take yer rubbers off!' he squeaked.

'God's made him, though,' Pagsbrey argued. 'We have to fit him in somewhere.'

'God should have cooked him longer,' Old Harry said. 'He don't look done to me.'

They grinned at each other, comfortable with hate.

The museum had seemed to Pagsbrey a great and cavernous place when he first came, but now the vaulted mysteriousness was gone and only the quiet left. He stood sometimes in the corridor above the central hall and looked down on the statues and the fountain. People would seem small and ant-like, peering at labels and craning up at the dome above, their little faces small as white spots below him, the tops of old men like pink shining beads. From the gallery Pagsbrey looked down on the iron head of the Colleoni and mused on this man without doubt or vacillation in his face. It was some five hundred years ago that the sculptor cast this stern thing into bronze, and here in this one man, riding monstrous and fierce above his horses, was all the great dignity and determination of an age. There was an on-goingness, an iron belief in the divinity of strength, as though the clay had been fashioned by a sword. Five hundred years ago. . . .

At the far end of the hall there was a new colossal horseman riding — a green bronze, strange and ghoul-like. It was high and distorted in its shape, as though the sculptor had found life's own form inadequate to express itself. The rider sagged and shifted in his seat. An old man with hands that let the reins slip down, and a worn exhausted face. Neither horse nor rider looked before him, and the hoofs seemed shambling on the rocks. Pagsbrey thought often and pondered on the statue, and began after a while to see in it more than an old man seeking for his son, as the words on the label said, but thought it a symbol of the age, and wondered if any man had the will to cast a great Colleoni now. And then again he would wonder if it were, after all, that the times had changed or only that he himself had grown older and uncertain.

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Once he spoke to Old Harry of this, but Harry only grunted. 'I don't know, Mr. Pagsbrey,' he said. 'Only I know that I don't like it — the green sort of saggy one, I mean. There's strange enough things here to make a man barmed and mazy, and give his mind a shove loose if it's tipped that way already. But they won't ever get mine loose — not mine. Not even that blue one with the wolves that follow the piper creeping. I talk back to them sometimes, Mr. Pagsbrey — not to the wolves, I mean, but to that woman with her mouth wide open and her hair stuck out behind. You know, the red and pop-eyed one.'

'Cassandra?' Mr. Pagsbrey asked. 'Ah yes, Cassandra crying doom. Second gallery, forty-eight to the right as you go in. You have to say that to them, Harry, and even then they go to the left.'

'That's the one, Mr. Pagsbrey,' Harry said, 'the woman crying doom — her with the mouth wide open so you can see her tongue. "Shut up!" I say to her sometimes; "shut up your screaming blatter!" I don't care if she *is* an art objict, she's a woman, Mr. Pagsbrey, and a woman ought to keep still somewheres on earth — in pictures at least, if no place else in life!'

Pagsbrey thought of Loretta and agreed. He hardly liked to confess that he himself had stood in front of a bland and torpid saint and reviled her for trying to seem more wise than mortals were. 'You're no better than any of us,' he told her. 'You've only got sense enough to keep your mouth unopened so the hollow won't show!' But after a while he had forgiven her, deciding that this was the ultimate wisdom after all.

III

Through the slow hours of the morning Pagsbrey looked forward to his noon. He liked to think of his lunch box sitting there on the window sill with the things that Mrs. Gobarten had put inside. There was always a meat slice and a cake, and sometimes a walnut or a fudge. He never knew which it was going to be, if at all, and would stand in front of a saint or blessing Buddha, seeing with his eyes the thin and ivory folds, but teasing his mind with whether it was a nut or fudge or neither. It was n't so much the lunch, though, as the time he could spend with Harry. Harry always had something new to tell, there being always a birth or death or wedding somewhere in the sprawl of houses where he lived; and if it were fudge, then Harry would take a piece, so that there was this to look forward to even on days when nothing else ever happened.

But of late Old Harry had begun to walk more slowly. He told as often his story about the time he lowered himself in the gold seat of a 'Looey Sez' when nobody was around, and decided it did n't fit good enough to trade in even his rice-box rocker for; but he began to look worried at the end as though it occurred to him that perhaps this was n't so funny after all. It was his feet, he told Pagsbrey; he thought maybe the arches were sagging down a bit, and some corns on his toes tormented him.

'You ought to soak them, Harry,' Pagsbrey told him. 'You ought to soak them in hot water every night.'

'Loretta's always used it up,' Old Harry said. 'I asked could I stick 'em in with the clothes that was soaking in some tubs, but she would n't let me. She swore some too, if I remember right.' He grinned, but Pagsbrey noticed how suddenly his cheeks, which had used to look like red-speckled buttons, were all pulled in and drawn.

He plodded around each day and

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was afraid to sit down much for fear someone would see him. 'Can't set down here,' he'd say. 'Can't let nobody see me sag like this. "It's too much for Old Harry," they'll say, Pagsbrey, "too much for the poor old guy." Then they'll look sad and understanding and "relieve" me of the job. I know how it is, Pagsbrey — I've seen it done before. Kind — they'll be kind; but I got to have the money!'

Pagsbrey discovered that of all the twelve Koffmans only Harry had any certain work, and that there was no Mr. Koffman any more, Loretta's husband having gone off in search of some place where results followed less surely on their causes, and now being only a name that Loretta used as a sort of hook to hang her swearing on. 'What'll they do when I can't work no more? What'll they do with me when I'm nothin' more than a grinning old mouth to feed? Nobody has time to tote me back and forth from stove to windy, or money to feed a sack of bones! And I don't want to go no place else. They ain't much, Pagsbrey, but they're mine!'

Pagsbrey was shocked and worried. It was as though some other had come in place of Harry — a querulous old man with red-rimmed eyes and drooping pants, an old man grown suddenly too small for his great uniform. But he tried to pretend that he noticed nothing. 'You aren't changed a leaf's breadth, Harry,' he said. 'You're as spry and young as you ever were.'

'No, I ain't,' Old Harry whined. 'I'm afraid — I'm afraid all the time. I hate the rain and the dark, and my feet hurt like there was pins and daggers in 'em, and I don't know what'll become of them when I got to give up here, with me to take care of, carnin' nothing. And my back, Pagsbrey! There ain't no stuff I can take will make it stop!' He sat down suddenly on the bench. 'I don't care if they do see me. I don't care about nothing but my feet!' His old face was pulled and wild-looking with despair.

Poor Pagsbrey fumbled in his mind for words. 'You come live with me,' he wanted to offer, and then he thought that would be a rash thing to say without seeing Mrs. Gobarten first. And how would he pay for him if he did? Even then there was Loretta, and Mira and Otto and Leslie and — what was the next child's name? Ferna, Ferna — something foolish, and no Mr. Koffman, and no salary coming. . . . Poor old Harry . . . Poor old soul. . . . Pagsbrey's eyes began to smart, and he stood there patting timidly.

'We'll have him out this Sunday certain,' he told Mrs. Gobarten. 'He's cast down and bilious, and his feet have gone back on him completely.'

'You'll have to pay for his bus ride here and back,' Mrs. Gobarten reminded him. 'And where will you get the money to do that?'

Pagsbrey admitted that he didn't know. Every cent was so carefully calculated that he felt sometimes that his life was shaped by pennies. Still there was something that could be left or reduced or done without, and after long figuring Pagsbrey discovered he could pay for Harry's bus by doing without an evening paper over a certain length of time, and suddenly he felt very rich and bounteous again.

IV

It was a sweet chill morning on the Saturday before. The daft old man at the corner who thought he directed traffic had a bunch of red balloons. Pagsbrey noticed forsythia coming into flower, and the sky was a light cold blue. He thought, 'Old Harry's still got a long time yet.' He felt brisk and

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wealthy and young himself. If there had been violets hawked about, he might have bought Mrs. Gobarten a bunch — well, no — a half bunch, maybe. Sparrows shouted from bushes near the zoo, but Harry's bus was late and he had to go on without him.

On the steps he waited; it seemed a shame to go in and putter through the halls. The white marble Graces towered above him. They looked fresh and cool with their robes slipped down around the waist and their round arms bare to the wind. It occurred to him after a while that maybe Old Harry had been early, and he hurried up the steps, knowing that Maffit would be waiting there, and had been there all the time, hoping that Pagsbrey would stay longer and be a full ten minutes tardy.

'You're late!' Maffit gloated. 'You're late, Pagsbrey! Old Harry come an hour ago. Hi there, Pagsbrey! You can't go in with your rubbers on!'

But Pagsbrey paid no attention to his bleating. He hurried on past the warped green horseman and past the Colleoni. He wanted to give Old Harry his invitation quickly, give him something to think about and look forward to all day. But nobody seemed to know where he had gone. Pagsbrey went puffing through all the galleries, even peered behind the bronze Buddha in its niche. His rubbers left wet and shuffling footprints on the floor, and his breath began to come rather oddly. Hawes of the Gothic rooms said he had seen Old Harry go out through the basement door some time ago, but he did n't know where he had set off to.

Stiff and breathless now, Pagsbrey hurried himself out in the back. 'Harry!' he kept calling. 'Harry! Where'd you go, Harry?' He thought he was shouting, but the words came out in a mumbled mutter. Out in the back, where the twigs made a forest of yellow switches near the door and garbage cans from the basement tea-room were set out to air, he stopped and peered around toward the edges of the park. His neat old face was wrinkled and ugly in its terror. There was a scum of clouds across the sky, and the breeze had turned cold and chilly.

V

It occurred to Pagsbrey sometimes, in the long slow plod of after weeks, that Old Harry too had kept his rubbers on that morning, and he hoped that Maffit knew. They had found him out near a bunch of pines. His guard cap and the little bottle were thrown a few feet off; his light old body almost lost inside the coat, he lay face down in the needles and his legs were stuck out behind with the mud-speckled rubbers on his feet.

'The poor old man!' Mrs. Gobarten said. 'The poor old man! I would have liked to meet him.' She sewed up a hole in Pagsbrey's sock and made it a lump instead.

Pagsbrey was tired and lonely. He lost all heart in describing things or looking at them, now that there was no one left to listen. The new guard was young. He was forty-five, and callous and disturbing. Pagsbrey ate his lunch alone in the basement room, and he wondered sometimes if Harry had been the living part of him, he felt so lost and stone-like now. Once or twice he tried to rouse himself and talk to the visitors that came, but after a while he realized that they came to the place as a sort of sanctuary, came looking for something that was not already in their lives. They thought of this as a great, quiet place where the scratch and scrawl of breath and the twisted desires had been transformed into something permanent and beautiful, and where they could find the small

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moment of vision held and lengthened into the longer life of stone and wood. Well, that was right, it seemed to Pagsbrey; that was the thing it ought to be — not just a high-ceilinged place full of these shapes and pedestals and forms no longer seen because familiar, not just a place where old men wandered in and out of quiet rooms thinking of supper and their feet. He learned to let them be and tried to make up something else to give the long hours meaning, but could not fill up his loneliness, and the galleries seemed to grow more still. Perhaps he was getting deaf, he thought, but did not care very much any more.

He went after hours sometimes into the rooms where Harry used to be, and looked in the niches and grooves of chairs to see if the new guard left them dusty, half hoping he would, because Old Harry had been slovenly.

There was a marble statue there — a young man lying on a rock, his arms wound tight with anguish, even his feet taut-curled with pain. He lay strained and heavy as though trying to merge himself with the rock and so endure this suffering. The light flowed down on his back and arms in white hard undulations. The sculptor had named his work 'Despair,' and Pagsbrey would stand a long time peering at it and wondering if this was what it was, and if the sculptor was right in making him young that way, believing perhaps that things seemed more huge in youth, more wholly dark and finished. And then he would think of the way Old Harry had looked, bent and shriveled like a burnt fire-ash, and leaning heavily against this marble stand while he slyly eased one foot and then the other.

And at times Pagsbrey would talk to the sculptor, sneering at his work. '*You* did n't make "Despair,"' he'd mutter. 'That's not despair — that's not the way it is. You don't know anything of it even! I could make you a better one than that,' he would say, and instead of the marble he would see Old Harry lying there on the pedestal, his face turned down on stone, and his skinny old arms and legs flung out on either side.

But after a while the days seemed to reach out beyond Pagsbrey and stretch behind into vague darkness, and somewhere back in the darkness Harry was. At last he stopped seeing Old Harry there on the pedestal, and came, in his long, slow crawling through the quiet, to feel that perhaps after all this marble thing held all that Old Harry had felt and said, and held even more than this — a timeless and measureless thing of which he had only been a part. And it seemed to Pagsbrey that this was somehow an answer or perhaps the beginning of an answer to his own unformed and groping pain. But because he was old and tired, and his thoughts shifted often and faded out when he tried to follow them, he let this go back into the darkness, keeping only the comfort it had been.

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THE SPIRIT OF PLACE

BY JAMES NORMAN HALL

I

MRS. MEYNELL, in her essay on this subject, did no more than skirt the fringe of it, halting of a sudden, entranced by the sound of bells; forgetting, in her delight in this one expression of the Spirit of Place, the vastness of the territory that lay before her. But it may not have been forgetfulness. Her decision to go no farther was due, more than likely, to her wise woman's instinct which told her that a little journey may be more profitable than a great one, and that the Spirit of Place is not to be captured in a butterfly net of words.

And yet there is no subject for discussion more fascinating than this: of the subtle, elusive influences which make themselves felt on the smallest island, the greatest continent; on hills and in valleys; in provinces marked off by artificial as well as by natural boundaries where the man-made, imaginary lines seem, often, to delimit some particular province of a spirit of place. There are hierarchies of these spirits — of that I am sure; and, the older I grow, the more convinced I become that, while they rule men by coloring their moods and by quickening and directing their fancies, they are, in turn, ruled by them. Indeed, men have the power of life and death over vast numbers of them. This is a matter of great importance, but not many of us give it even a passing thought.

Mrs. Meynell says: 'The untraveled spirit of place — not to be pursued, for it never flies, but always to be discovered; never absent, without variation — lurks in the byways and rules over the towers, indestructible, an indescribable unity. It awaits us always in its ancient and eager freshness. It is sweet and vivacious in its immemorial boundaries, but it never crosses them. . . . And if by good fortune it is a child who is the pilgrim, the spirit of place gives him a peculiar welcome, for antiquity and the conceiver of antiquity (who is only a child) know one another; nor is there a more delicate perceiver of locality than a child.'

I wish that I might share her faith in the immortality, the indestructibility, of the Spirit of Place! It would comfort me in many a forlorn experience when I return to old haunts — to some spot I have loved in past years, to find the spirit of it fled, as lost to me as though it had never been. Even a child's sensitive awareness of the spirit of locality would be baffled in these places, for they have been left untenanted, desolate. If I could believe the small gracious presences still there, hidden only, waiting for the day when they might again reveal themselves in safety, I should be content even though I knew that I should not live to see that day. But I have no such faith. I believe that spirits of place — at least, those that rule tiny kingdoms: some bend of a river, a wooded hollow, a

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grassy hilltop — can be and are, often, not banished by men, but destroyed. I further believe that there never was a land where they have been swept away more ruthlessly, in hundreds, thousands, tens of thousands, than in our own.

Fortunately, the mighty spirits of place — rulers of mountains, the deserts, the plains, the prairies — cannot be destroyed. Man may do his worst, but they abide, as Mrs. Meynell believed the lesser ones do, unchanging and unchangeable. Riding on the L, in Chicago, shut in on all sides by steel and stone and wood, I have been conscious of an influence immeasurably greater than that of the city itself, flowing over it from without, like water flowing over a pebble. The hoarse, myriad-throated voice of that great human ant heap, shouting 'I will!' in chorus, has been lost in the silence, the vastness of a presence that says 'I am!' So I have found it elsewhere — in Kansas City, El Paso, Denver, Salt Lake City. The great continental spirits of place are not to be conquered. Roads are gashed across their territories, smoke and poisonous gases belched into their skies, filth poured into their lakes and rivers; but they remain — possessors, not the possessed, in their domains.

In New York City, it is true, one is conscious of no mighty influence superior to the works of man. The reason is, I believe, that none existed, even in ancient times. All the Atlantic seaboard seems to have been divided among various lesser spirits, and the territory that is now New York must have been ruled by local ones: one for Long Island, one for Manhattan, one for the lower reaches of the Hudson; and we know of the charming presence that haunted the Catskill Mountains in the days of Washington Irving. I recall no report of it since his day, and it is not to be expected that it could have survived into our own. As for those of Manhattan and Long Island, where could they have fled for refuge? What coign among the rocks has been left for them? They must have perished, both, long since.

II

Our indifference, in America, to the welfare of our spirits of place has cost us dear, and it is the lesser ones above all others that we should have protected, for their services to mankind are of inestimable value. Why is poetry — lyric poetry in particular — all but dead in our day? Why do the poets we have — all but a handful — fashion stuff so obscure that we cannot understand it, or so bleak that we shudder to read it? What other reason is there except one: that we have destroyed in tens of thousands the small spirits of place, who, since time began, have been the friends and inspirers of poets? For centuries the English have guarded theirs, and they still make great efforts to do so. That is why England has always been the fountainhead of lyric poetry; why there is not a corner of the land, unless it be in the vicinity of Manchester, that has not given birth to song.

In America there has been no such wise forethought. Here is a cry from the heart of one of our poets. He calls his lament, ironically, 'Homo Sapiens and Free': —

O — we are free!
Earth herself has released us,
(The outcasts, the intelligent)
The grasses have let us go,
The green leaves have delivered us:
Even in old gardens the rhododendrons,
And, over the crumbling benches by the wells
The figs, have nothing to say to us;
Nor now, in the worn ways, the stones,
Nor the stars either.
O, we are free! We are
Free!
We are alone.

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So it is. Mother Earth has all but cast us off, leaving us to our own foolish devices since it seems that we would have it so. We are free with a freedom that makes us long for the ancient gentle tyranny of her sway: for the tyranny of leaves, of grasses, of the worn stones of ancient footpaths; of country roads which she herself marked out for us and made gracious with the fragrance of wild roses and honeysuckle and bright with goldenrod. We are free indeed on our dreary concrete highways, in our Empire State buildings where, over the imposing entrance to each, there might well be inscribed: —

> Here is a monument to human pride,
> And its vast tomb.
> Ye yet unchastened, kindly step inside:
> There's more than room.

Grandeur in material things we might well have left to Nature. She has enough and to spare for all our needs. Why try to compete with her when we have our own sublime end toward which to labor — grandeur in human character? In our slow and painful progress toward it we have no need of one-hundred-story buildings to serve as milestones on the journey.

But, to resume, the following is another offering by the same poet, born, like all of his contemporaries, to live through a day when there are few friendly spirits of place to guide him and to enrich his fancy. I know of no more pathetic 'Pastoral' than this: —

> Huge upon the hazy plain
> Where bloom the momentary trees,
> Where blows immensely round their knees
> The grass that fades to air again;
>
> Slow and solemn in the night
> Beneath the slender pole by pole
> That lifts beyond their reach the sole
> Enormous melons of the light;
>
> Still sweating from the deep ravines
> Where rot within the buried wood
> The bones of time that are their food,
> Graze the great machines.

Graze? They do worse than that: they devour. Not only are they the pitiless, mindless destroyers of the spirits of place, but of the very earth itself. Wherever they go they leave ruin behind them, like so many dinosaurs trampling over fields of flowers.

Is this an exaggeration of the harm they do, these monsters? I don't believe so. On the contrary, owing to the rapid disappearance of forests and meadow lands, and to the neglect, for those more profitable, of the crops that bind the soil, erosion is taking place at an alarming rate. The rich top soil is flowing into creeks and rivers, so rapidly in many places that the time when these lands will be waste and all but useless can be accurately foretold. And it is, in large part at least, thanks to the machines which Business thinks, or professes to think, so essential to human welfare that this erosion is taking place. No more here than elsewhere will they consent to work except upon their own terms. What they give with one of their ingenious hands they more than take back with half a dozen others.

III

But it is their destruction of the spirits of place that I am chiefly concerned with here. These small creatures would cling to us, to things human, if we would let them. They would keep our land sweet and wholesome, for them and for us. But when they see a huge gang plough ripping up the soil, or a tractor in a field of young corn, they lose heart and hope. They know, intuitively, that the thing is wrong, that it should not be there. Knowing, further, that men who can make and guide these monsters over the green earth are lost to their help, they either die or flee the land.

And when, along the once beautiful coast of Southern California, men, de-

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based by greed, erect their filthy oil derricks in the sea — even in the sea! — the spirits of place vanish, leaving the land to bleakness and desolation. Small wonder that California has produced not one poet of significance. Where could he go in search of those friendly spirits of Earth — there must have been thousands at one time — who could speak to his heart, scatter about him the pollenating dust that alone is needed to make him articulate?

What of the Middle West? Does the golden dust float in the air over the prairies, the Great Lakes? A little, surely; but it seems not to reach those who deeply want and need it. There is Carl Sandburg to speak of a heavier, gritty dust that clouds the air in many regions; but this is scattered, not by the ancient spirits of place, but by those man has created in their stead.

Hog Butcher for the World,
Tool Maker, Stacker of Wheat,
Player with Railroads and the Nation's Freight Handler;
Stormy, husky, brawling,
City of the Big Shoulders . . .

Thus have these spirits inspired him. One would need to be something more or something less than human to burgeon in that poisonous air. At best the sap would be, in my opinion, oil-tainted and scummy, and the flowers, flowers of soot.

It must have been somewhere in that region that a forlorn seeker for the spirit of place, baffled and discouraged, sat down to write the following lines. I can imagine the nature of the landscape that lay before him.

Of all these valleys, none is known to fame;
Of all these rivers, none is known to Song,
Nor are the hills the rivers wind along.
The name of city or town is but a name
In Commerce, not in any deathless tale.
The horns of Elfland never echo here,
And should, perchance, a nightingale appear,
Would any know it for a nightingale?
Would any heart, 'high sorrowful,' be thrilled
By that faint music in the summer night?
Who has betrayed the Spirit of Delight?
What destiny is here to be fulfilled?
Beauty shall have no part, whate'er it be,
As time will show, if any care to see.

This strain of melancholy, of foreboding, runs through the verse of our day in innumerable threads, sobering the texture of it to a dull gray. One might think, after reading deeply in the modern poets of America, that there never was such a lugubrious band of singers since the birth of Song. And I doubt whether there has been. Not all of them, of course. There have been exceptions hidden away in some secluded valley, or, perhaps as effectively, in the light of thought, which has prevented them from seeing the desolation around them. But for the most part their songs are gray indeed.

It would, therefore, seem time to listen; to give them something more than a passing half-contemptuous hearing, if not for the songs themselves, then to learn their reasons for singing in this monotonous key. It can't be that they enjoy it. They are forced into it: that is plain.

Here is the lament of yet another — his Song of the Open Road. In a happier age he would not, certainly, have mused in this vein. The filling station near which the lines must have been written is known to all of us, and the old kindly spirit of place that once dwelt in that region, to none, this past generation.

On a State Highway

An hour past I've watched this endless stream
Of motor cars along this endless track
That stretches straight and smooth and oily black
As far as eye can reach. Alive, they seem:
Beetles spawned like locusts, with a need
For one thing only: roads to crawl upon
With ghastly industry from dawn to dawn;
Pausing briefly here and there to feed,

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Joining again the ceaseless flight
From west to east, from east to west, not caring
Where they go or why; each one staring
With vacant eyes by day, lurid by night . . .
A plague of beetles — hundreds, thousands, millions,
Trillions and quadrillions and centillions!

One can sympathize with him in this wry mood. It is, indeed, these plagues of beetles that have been, and are, above all others, the remorseless enemies of the spirits of place, hunting them out in the remotest corners of the land. There is not a lane, byway, wood lot, or pasture where they may dwell in safety. Oh, for some Piper — pied or not, so long as his magic was great — who might lead these vast swarms of vermin over the highest cliffs into the deepest sea that laps our coasts! Failing him, we must, somehow, reconcile ourselves to this: never again shall our land be made wholesome by the presence of spirits of place.

Never? That is a word not to be used lightly. And I have a deep-seated faith in humankind which tells me that men are unmindful of their true interests only during certain periods of madness that must run their course before health may be regained. Why should one think that the friends of the spirits of place are few? They must be counted by the tens if not the hundreds of thousands, and it is inconceivable that, having known and loved these spirits in past days, they should be content to live without them at whatever gain in purely material advantage. And Mother Earth is a mighty breeder. Why should she not give birth to others, to replace those we have thoughtlessly destroyed? She might — that is well within the range of possibility; but she would need to be convinced in advance of our friendliness toward them, and of our serious intent to safeguard the places where they might dwell.

IV

The small local spirits are not all dead, even now. They are tenacious of life, and not a few have withstood an incredible amount of ill treatment. They cling to their little provinces as long as these retain a recognizable feature of what they once were. An old gnarled tree, spared destruction, or a shelving grassy bank can shelter them. I know of one that has survived the desecration of a national highway driven straight through the heart of its territory. What saved it was a grassy knoll, left untouched, twenty yards distant. There it sits, on sunny afternoons, but it has not yet learned how to adapt itself to the changed conditions or to make its presence felt by travelers at fifty or sixty miles an hour.

I know of another truly remarkable instance of the survival of an ancient spirit of place in the heart of a city of one hundred thousand inhabitants. I had met there, by chance, an old man whose boyhood had been spent in that region, and I well remember my astonishment when he said, pointing to the site of a twelve-story hotel across the street from where we sat, 'I used to plough corn there.' Presently he took me to a small vacant lot in the very heart of the city. It was flanked on one side by a department store, on the other by a sumptuous bank building, and was shut off from the street by a double tier of billboards; but we could peer in from one side.

'There,' said my companion, 'is something you may never see again, young man: a piece of the old prairie that was.'

The ground was littered with brick fragments, old bottles, and papers torn from the billboards. Nevertheless, as I glanced in, I was conscious of an influence that did not, certainly, come from the city itself; nor was it a fancied

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presence. A local spirit of place, immemorially ancient, had survived, unmistakably, despite the city that had grown up around it, encroaching upon its former territory until nothing remained save this small plot of ground open to the sky alone. There it lived, wretchedly enough; but it lived.

Where, I wonder, — in what section of the country, — are its kindred spirits to be found in the greatest numbers? I can speak only of the remnant of those I have known best, in the upland prairie country of Iowa. There a surprising number have survived, and I should imagine that many more might be found among the mountains of Virginia and Tennessee and the lagoons of the Carolina coasts. We find authentic reports of them north of Boston, in Robert Frost's poems. I can recall no more beautiful tribute paid to the influence of a spirit of place than that to be found in 'My November Guest.'

My sorrow, when she's here with me,
  Thinks these dark days of autumn rain
Are beautiful as days can be;
She loves the bare, the withered tree;
  She walks the sodden pasture lane.

Her pleasure will not let me stay.
  She talks and I am fain to list:
She's glad the birds have gone away,
She's glad her simple worsted grey
  Is silver now with clinging mist.

The desolate, deserted trees,
  The faded earth, the heavy sky,
The beauties she so truly sees,
She thinks I have no eye for these,
  And vexes me for reason why.

Not yesterday I learned to know
  The love of bare November days
Before the coming of the snow;
But it were vain to tell her so,
  And they are better for her praise.

How much ease and speed of travel should be considered compensation for all we have lost in destroying the places where such spirits have, in the past, made their presence felt to sensitive observers? And how should one measure the value of such a tribute as this? Perhaps I place too high a value upon mere beauty. The fact remains that I prize this small poem, and I am sure that I should prize the place that inspired it, above any transcontinental highway that might be mentioned, including all of its tributaries, — with its endless lines of beetles, — from coast to coast.

I look forward longingly and somewhat hopefully to the day when, matters of trade and finance having been satisfactorily adjusted, public attention may be turned to the welfare of our spirits of place. Should they be destroyed during the next generation as rapidly as they were in that just past, we shall have none left. A land without them, however rich it be in cities, towns, factories, power stations, filling stations, is no more than a waste and a desolation. Spirits of place, as Shelley knew, are spirits of delight. If, in the future, they come rarely, or never, we shall have only ourselves to blame.

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CRIMINAL LAW IN ACTION

II. The Judges

BY JOHN BARKER WAITE

I

THE trial judge is the most important figure, both theoretically and practically, in the whole problem of law enforcement. Criminals may be detected without detectives and arrested without policemen. They may, if they consent, be tried without juries. Appellate courts and appellate judges are not constitutionally necessary. But no person can be legally convicted and punished in the absence of a trial judge. He is, as it were, the essential character of a court. Even in the inception of proceedings his presence or absence may be essential, unless legislation expressly provides otherwise. A judge was duly present and presiding when Ira N. Terrill was tried and convicted of murder. But when Terrill later sought release from the penitentiary his attorney pointed out to the Supreme Court of Kansas that no judge was present when that particular term of court was formally opened. The judge later appeared and presided at the trial of cases, but the Supreme Court decided that because of his absence when court was opened these latter proceedings, including the conviction of Terrill, were absolutely void.

Trial judges inherit broad powers over the trial proceedings, save in one respect: a judge may not order the jury to bring in a verdict of conviction; he must not directly or indirectly use the slightest compulsion to that end; nor, if a verdict of acquittal be rendered, can he lawfully set it aside and order the accused again put on trial. But in all other respects his heritage of authority is full and comprehensive. He may order a trial discontinued for lack of evidence, or refuse to permit the dismissal of prosecution even though the prosecutor requests it. His is the privilege of determining the fitness for service of men called to sit upon the jury. He determines, within established rules, what evidence is properly admissible and what is not. His discretion limits the extent to which cross-examination may be carried. Though he must not direct a verdict of conviction, he may order a verdict of acquittal, and he has authority to set aside a verdict of conviction and give the accused the privilege of another trial. He has power to maintain the dignity of his courtroom — to suppress applause, to prevent radio broadcasting of the proceedings, to insist on order and respect, and, specifically, to forbid such newspaper activity as the taking of pictures while trials are in progress.

He inherits authority, indeed, to reach beyond the limits of his courtroom and to punish drastically any interference with the proper progress of justice. He can send recalcitrant

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witnesses, who refuse to obey subpœnas, to jail. He can proceed summarily, without red tape, against anyone who threatens a witness or seeks to bribe a juryman. He could, and English judges not infrequently do, penalize newspapers for the publication of alleged evidence not legally admissible at a trial, or other matter which derogates from the fairness of court proceedings toward the defendant or the public.

His exercise of authority, however, is reviewable, to-day, by appellate courts, which are astute in determining whether he has abused his discretion or overstepped his powers. Federal judges, for example, have unquestioned authority to comment to juries upon the evidence and to express their own opinions as to a proper verdict. But in Carney *v.* United States, where the defendant was on trial for violation of the Prohibition Act, the trial judge said to the jury: 'You are not to be hoodwinked and bamboozled by anybody; nor by unreasonable testimony — if it is unreasonable. Remember the witnesses on either side can swear that black is white, if they think they can cause you to credit it, or to entertain a reasonable doubt; but you are not to be gulled. You are not to believe a thing is so simply because someone swears it is so, and if a witness testifies that down the street he saw an elephant climb a telephone pole, you are not bound to believe it is a fact, even though he shows you the pole.' He then went on to intimate his own opinion that the defense testimony was of this type. The majority of the reviewing court held this manner of expression an abuse of his privilege of expressing an opinion, even though the judge had also said: 'Remember, while you take the law from me, you don't take the facts from me. I might tell you out and out whether I think the defendant guilty; I may comment on witnesses and evidence; but even if I did, it would not bind you to the same conclusion. You are the exclusive judges of the weight of the testimony and the credibility of the witnesses.'

So, too, every other action of a trial judge, and his every ruling on the law, may be objected to by the defendant's attorney and brought to the notice of an appellate court for a determination of its propriety. But, subject to this review, the trial judge possesses enormous powers which he can and does use.

II

Such is the scheme and theory of judicial power. In practice, however, the rôle of the judge is circumscribed. Various forces, peculiar to conditions in this country, have conduced to partial disuse of these powers and even to their denial. In the first place, except in the federal courts and those of two or three states, American trial judges are creatures of politics. They are dependent for the attainment and the retention of their positions upon influential lawyers, upon newspaper reporters and editors, upon gang-chief politicians, and upon all the other persons and forces which determine elections.

When Loretta Lee was convicted of participation in the armed robbery of a jewelry store, the representative of a newspaper asked Judge Pliny Marsh what sentence he intended to impose upon her. He replied that the newspaper would know along with the rest of the public when the sentence was declared from the bench. 'Well,' said the reporter, 'I was n't after advance information; I only wanted to remind you that our paper is opposed to heavy sentences for women and to argue the matter with you.' Replied the judge, 'A man killed by a woman

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is just as dead as though a man's finger had pulled the trigger, and society needs protection against a dangerous woman as completely as against a dangerous man. Moreover, as a judge, I cannot argue with a newspaper what sentence ought to be imposed.' 'In that case,' came the threat, 'I'm warning you that if you impose a stiff sentence on Loretta my paper will raise hell with your chance of reëlection.' Judge Marsh imposed a sentence of seven and one-half to fifteen years, with recommendation of ten, and the newspaper carried out its threat — with the result that the judge again became a practising lawyer and had to rebuild the clientele he had lost when he went on the bench.

How far a judge's activities are influenced by the necessity for such favor, only he himself can say. At the time this is written, a newspaper reports that 'three of the seventeen prisoners who were released on the request of Recorder's Judge John A. Boyne after their arrest as frequenters of a gambling house failed to appear. . . . The arrests were made by Patrolman William Richardson and the men were released an hour later by Lieutenant Charles Prable, who said Judge Boyne called and vouched for their appearance in court.' Such immediate action by judges in procuring releases is not infrequent, and there is nothing improper or illegal about it. But the attendant circumstances are often such as to raise some wonder whether they are a matter of friendship, of devotion to the spirit of the law, or of response to political pressure.

I once talked with another judge whose salary of $12,000 a year was worth keeping and who had been in the awkward position of having to deal with the son of a wealthy manufacturer for serious traffic violation. The company's 'fixer' had come to him with a suggestion that the case be dropped. The judge refused. 'Don't you know,' said the fixer, 'that the 30,000 voters in his father's factory will be lined up against you at the next election if you send that boy to prison?'

'I did not order him out of my office,' the judge said, 'but I told him I would do my duty even though every voter in the city deserted me.' As a matter of fact, he sentenced the son to jail for ten days. There was a twinkle in his eye as he related the incident; for, after imposing the sentence, to the accompaniment of much pleasing publicity, he modestly and unostentatiously ordered the boy's release the following day. This judge was notably shrewd at the game of politics, and it is highly probable that he gained votes both by the sentence and by the release. But assuming that he did honestly and most courageously risk his continuance in office for the sake of his ideals of duty, and assuming that many another judge would, and does, do likewise, the point remains that American judges are constantly subjected to the choice of offending some important dealer in votes or of shading justice.

Under such circumstances, many a judge feels that he has to strike up a compromise with his conscience. He may find that inaction is safer than the affirmative exercise of his power, which would certainly offend one side or the other. This is, of course, peculiarly true of his conduct of trial proceedings. If he is not asked to rule on questions of evidence, he runs no risk by refraining from a self-initiated ruling. If newspapers want to take pictures of witnesses, he saves himself from giving offense to the press by permitting it. If he can avoid some demanded action on the excuse that reviewing courts will not approve it, he can sidestep the blame.

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Most criminal lawyers welcome a judicial policy of inaction and abdication. In theory, the lawyers are officers of the court, indifferent to the material results of litigation so long as the truth is triumphant and the rights legally appurtenant to the particular facts are respected. But practically they are men who have their own livings to make, and their greatest assurance of financial success lies in their ability to win cases. Quite naturally, therefore, they protest against and oppose any minimizing of their own trial talents through judicial interference. Ability to persuade juries, skill in smothering the real issues by a cover of immaterial evidence, the art of creating emotional prejudice — all these accomplishments would prove abortive if the judge, of his own motion, should exclude improper testimony, restrict cross-examination, or follow the advocate's peroration to the jury by a calm, dispassionate, and accurate appraisal of the evidence.

Thus it happens that the judge is impelled by political necessities to a policy of self-effacement, while the trial lawyer is driven by self-interest to urge and advocate the judge's abdication of power, and to protest publicly against any exercise of judicial authority.

III

Moreover, neither appellate courts nor legislatures evince great confidence in the capacity of elected trial judges to use their power wisely or fairly. And, oddly enough, the appellate court judges are rather more skeptical of their inferior colleagues' ability than are the legislators. When the ideas of probation and suspended sentence as a means of treatment for redeemable criminals were less popular than at present, an Illinois trial judge suspended the sentence of a convicted man during good behavior. The question was then raised before the Illinois Supreme Court as to whether such action was within his authority. There was no statute covering the matter, nor had Illinois courts previously determined it. The Supreme Court was free to decide the matter as it thought best; it faced an open choice, based on its own ideas of practical wisdom. It chose to deny such authority to trial judges, and the reason given was a frankly expressed fear that such power might be outrageously abused. 'Thus, a youth charged with crime to which he pleads guilty may be in effect assured by the court, before whom he enters the plea, that he ought not to suffer punishment, and be given his liberty, and yet in after years, no matter what may then be his family relations or position in society, that judge, or another of the same court, may consign him to the penitentiary.'

In another case, a trial judge was asked by the jurors for additional instructions; instead of calling them back into the courtroom and speaking from the bench, he stood at the jury-room door with his head and shoulders inside. The appellate court refused even to inquire whether anything improper had been said by the judge, but reversed the defendant's conviction as a matter of course. Its theory, apparently, was that the risk to justice in such occasional actions by trial judges is too great to be remedied by mere appellate rebuke.

Although American judges inherited from their English predecessors the privilege of expressing their own opinions to juries, they have lost that right in most of the state courts. And that loss is the result, in large measure, of a general distrust of the judges' capacity for fair and intelligent comment.

In English and Canadian courts,

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and in our own federal courts, the advocates' perorations are followed by the judge's own summing up of the evidence, and his comments upon its forcefulness, or trustworthiness, or the credibility of the witnesses. The procedural theory is that a calm, dispassionate discussion of the whole case by one whose training and experience should enable him to see through pretenses, and to remain comparatively unmoved by emotional superficialities, must necessarily be of value to the jury in its effort to determine the truth. The jury is under no obligation to accept any opinion of the judge; it is free to follow its own belief as to the facts, and is expected to do so. But it is permitted to hear the opinion of the judge as well as the opinions of the lawyers. In most of the state courts, however, the trial judges have been stripped of that power. The lawyers may still argue as they choose to the jury, but the judge must keep out of the contest. He is a mere umpire, a chairman, who must not directly or indirectly give the jury any inkling of his opinion.

The movement to preclude the judge from revealing his own opinions to the jury began in the South, in North Carolina and Tennessee, in 1796. Half a century passed before it developed in the North, in Illinois, in 1845. But at present, by statute or by appellate court decisions, judges have lost their original power in over three fourths of the states.

'Prior to and extending to 1796, a bitter quarrel raged between bench and bar in North Carolina. Three judges were in office at this time, Ashe, Spencer, and Williams, and with these for various reasons the bar seemed unable to get along. In 1786 the legislature passed an act forbidding persons (loyalists) whose property had been confiscated from bringing suit. The judges were willing to enforce this, and as such suits had been a profitable field of litigation for attorneys, the attorneys rather unfairly, it seems, blamed the judges. The court then banished two tories, Brice and McNiel, although there was no statute that provided banishment as a punishment. This inflamed the bar, as it was greatly interested in caring for the rights of the loyalists. . . . Hostility grew up between bench and bar that persisted for many years. . . . There seems little doubt but that the legislative act restraining the power of the judges was a final consequence of this bitter feud with the judges, who were no doubt rather high-handed at times.'[1]

To what extent other factors contributed to this derogation from judicial power and authority one cannot say. It is undeniably true that many trial judges have been utterly incompetent to comment intelligently and fairly upon the evidence. 'The calm judicial demeanor, the superiority to the passions which tear the breast and influence the actions of clients and their lawyers, was not in those days expected of the bench. Fierce sarcasms like those of Ellenborough and Chase, and foul curses like those of Thurlow, could be paralleled at many courts in America.' Nor are the elected judges of to-day always judicious, unbiased, and temperate. At any rate, distrust of their capacity to use their power properly is what chiefly motivated appellate judges and legislatures to take it away.

IV

Appellate judges have shown also a rather shocking readiness to find technical error in the proceedings of trial courts. This may have been, in fact,

[1] Kenneth M. Johnson, in the *Journal of the American Judicature Society*. — AUTHOR

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no intentional depreciation on their part of the intellectual standard of the procedure in the lower courts. In many cases, it is obvious that any plausible excuse was seized upon for remitting punishment — perhaps because the reviewing court disagreed with the jury's verdict but had no persuasive argument for openly repudiating it, or for some reason of sympathy not appearing in the record. In many respects these reversals suggest a mere convention of official attitude, built up under peculiar social conditions and adopted by succeeding judges without real question of its reason or result. In recent years the judicial psychology has been changing; appellate courts have tended more and more to consider objections to trial-court rulings on their merits. Moreover, legislatures have declared as emphatically as words allow that convictions must not be reversed unless it affirmatively appears that the error in the trial proceedings was prejudicial to the merits of the defendant's case. But during a considerable period of time, for one reason or another, reversals on highly technical grounds were more or less commonplace. Rules of procedure ceased to be merely the safe means of attaining justice. The meticulous observance of rule was treated as an end in itself.

'It may be shown by the most irrefragable proof that the defendant is guilty of the offense charged against him,' declared the Wisconsin court, 'but this does not justify the violation of well-settled rules of evidence in order to secure his conviction,' and a conviction so secured must be reversed. A Nebraska court, speaking of evidence which the trial court had refused to let the jury hear, decided that although the evidence 'would not have proved any fact of the least value in the case had it been properly admitted,' its rejection was a breach of rule for which the conviction must be reversed. A Massachusetts court, considering a case where the evidence had been admitted instead of being refused, says, 'Since this evidence was admitted as having some tendency to show a criminal intent, and since we are unable to see that it had any such tendency, we feel constrained to grant a new trial, although the other evidence may have been sufficient to warrant the conviction.'

In an Illinois case of little more than a decade ago, one Goldberg was indicted and prosecuted on fifty separate counts for the illegal sale of liquor. The trial jury convicted him on all fifty counts. But in the written accusation his name was spelled as Goldberg in forty-nine of the counts and as Holdberg in one of them. The Supreme Court felt compelled, therefore, to reverse the conviction on *all* counts because Goldberg and Holdberg did not even sound alike. The Missouri Supreme Court has more than once reversed a conviction of murder, not because there was any doubt of the defendant's guilt, but simply because the written accusation concluded with the words, 'the grand jurors do say' instead of 'the grand jurors on their oaths do say.'

In 1908 the Missouri court rendered two notorious decisions, one of them reversing a conviction of rape, to the effect that the conclusion of an indictment 'against the peace and dignity of State' is not 'substantial compliance' with the constitutional requirement that indictments shall conclude 'against the peace and dignity of *the* State.' A Massachusetts Supreme Court once reversed a conviction because the accusation stated the offense to have been committed on 'the fifteenth day of July, 1855,' and the court pretended to believe that no one could be sure

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whether it referred to 1855 A.D. or 1855 B.C.

In Texas an appellate court decided that a conviction of robbery could not stand because the accusation was that the defendant took the property 'from the person and possion of' the victim, instead of from his 'possession.' And in another case it said the defendant could not be punished because the written record showed that the jury found him 'guity' instead of 'guilty.' So recently as 1931 an Oklahoma appellate court held that the trial judge had abused his discretion because he required a defendant to stand trial on an accusation which charged him with larceny of 'domestic fowls' — which were the precise words used in the statute making larceny of domestic fowls criminal — without informing him what kind or class of domestic fowls they were.

This attitude of appellate judges has changed notably in recent years. Such decisions by modern courts are rare. Legislatures have set the example, by statutes to the effect that convictions shall not be reversed except for error which affirmatively appears to have prejudiced the defendant on the merits of his case, and appellate courts, even in the absence of statute, have tended toward a similar attitude. Nevertheless, the period of technicality made its mark, and has left its influence upon the psychology of trial judges. It created a reign of rigidity in rule and formalism whose natural consequence was a hesitancy on the part of trial judges to exercise any discretion or to make any move not explicitly directed by rule or sanctioned by appellate approval.

Within the year, a Supreme Court judge, speaking at a bar association meeting, lamented the prevalent belief that Supreme Courts deleteriously affect the enforcement of law by frequent reversals. He carefully pointed out how few reversals had actually occurred of late, and how nontechnical, from his point of view, they were. Yet six days later a trial judge of that state granted the seventh continuance in an already outrageously delayed case, and for exceedingly flimsy reasons; and his privately expressed explanation was that he believed the defendant, when tried, would be convicted, and he did not want the Supreme Court to have any excuse for a reversal.

These various influences on the trial judge have had precisely the result that one would expect. The powers inherited by the American trial judge have atrophied.

V

The English judge is an active participant in cases before him. It is he, the judge, who conducts the trial, assisted by the lawyers, as a search for truth and justice. For example, in the prosecution of Colonel Edward Cawston for arson, Cawston admitted that he had purposely dropped a match into a pile of straw and had closed the door without knowing whether the straw had 'permanently' caught fire or not. He said that he wanted to burn that part of the building because a fire would stave off the making of certain costly repairs which the local building inspector was insisting on, and the building as a whole was so constructed that the fire could not possibly spread from the dilapidated part. This, in itself, was not criminal. The charge was that the structure was insured, and that he had intended to defraud the insurance company. In defense he asserted that he supposed the dilapidated part, being independent of the main structure, was not included in the insurance. Whether he did really so believe was the important issue of the case.

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The judge was continually an active participant in the proceedings. At one time he suggested to defendant's counsel that 'it would be well not to encumber the record with unnecessary material'; at another he, of his own initiative, excluded evidence on the ground that it was both irrelevant and prejudicial to the defendant. Again he commented, 'It is for the jury, not for me; but I find it very difficult to believe that.' At another point the defendant testified that by a certain letter written to the insurance company he meant to indicate his assumption that the particular part of the building group was not covered by insurance. The lord justice read the letter himself and remarked with a sort of good-humored irritation, 'Oh now, you know, it's really incapable of that meaning, it seems to me.' Counsel on both sides were men of ability and experience in criminal cases, yet no one displayed perturbation lest these activities of the judge might derogate from the fairness or independence of the jury's verdict. Nor did the jury abandon its own freedom of opinion, it would seem, since the verdict was an acquittal.

The American trial judge, on the contrary, feels constrained to adopt the attitude shown in the Detroit trial of two Italians accused of kidnapping a Syrian girl. Their lawyer, a Greek, was droning in broken English through a tedious and unintelligent cross-examination. One of the jury was asleep, the others inattentive, and the Irish judge was rocking back and forth with his head in his hands. At recess a friend asked why, in the name of reasonable expedition, he did not stop the ridiculous performance. 'If I can stick it out,' he answered, 'I know how to handle him so that we'll be through in two or three days, and the jury is sure to convict [which they did]. But if I stop him, he may get a reversal in the upper court, and it would take a week to try it over again before some other judge.'

Thus fearful was the American judge of doing what the English judge does as a matter of course — fearful lest it be held by a reviewing court that his attitude, or his restrictions on the conduct of counsel, had prejudiced the jury, or had violated some one of those technical rules whose minute observance has been glorified as an end in itself through the misapplied cliché of 'justice according to law, not according to men.' And a judge is sometimes fearful also, though not in this particular case, lest he may offend a defendant's lawyer who holds necessary votes in the palm of his hand.

In another Detroit trial, that of Dr. Loomis for the murder of his wife, a Mrs. Bloxom was put on the witness stand by the state. She testified merely that she had passed the Loomis house a few minutes before nine o'clock in the evening, and had heard sounds which might have been caused by a struggle. This was important evidence because Loomis admitted that he had not left his house until nine o'clock, and that his wife was alive when he left and no struggle had occurred. The defense attorney therefore undertook by his cross-examination to weaken the credibility of Mrs. Bloxom's testimony. He did so quite effectively, by developing the fact that the witness had no watch but had estimated the time from other events. It became fairly clear that the time she passed the house might truly have been some minutes after nine o'clock. Then the cross-examiner undertook to attack her personal credibility, and for hours he forced the woman to answer questions concerning her personal history. Eventually he dragged out of her, for

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the newspapers to publish to the world, the confession that her first child, born many years before, had come into the world less than seven months after her marriage. The state's attorney, who had put the woman on the stand in the interests of justice, protested that this disgracing of the witness could not so bear upon the accuracy of her testimony concerning the time of day as to justify the injury it would do her. But the trial judge allowed the questioning to continue.

In the trial, in London, of Mrs. Eddy on a charge of obtaining money by false pretenses, a witness testified that she had lent money to Mrs. Eddy on the inducement of certain false statements. This witness was, like Mrs. Bloxom, living most respectably. She was an unintelligent person, elderly, not well, and fearfully excited by her situation. She would have been putty in the hands of a skillful cross-examiner. The defense lawyer did cross-examine her upon the matters to which she had testified. Then, like the attorney in the Loomis case, he began to delve into her past. Immediately the trial judge, on his own initiative, interrupted him. 'Why do you ask those questions?' he queried. 'To shake her credibility,' was the reply. 'But under the circumstances, do you think you would really shake her credibility?' 'I believe I have the legal right to ask such questions, your lordship.' The judge leaned forward. 'Ah, yes,' he said, 'you perhaps have the right and I could not stop you. But I consider it a most indecent thing to do.' The questioning did not continue. Everyone concerned apparently assumed that the barrister had earned the rebuke, and that justice had been served, rather than hampered, by the judge's remark.

The law in the two countries is fundamentally and essentially the same. The marked differences in procedure are differences in practice, and in the theory of application of the law rather than in the law itself. The actual trial of a case in this country is conducted and even directed rather by the lawyers than by the judge, who acts only when they disagree. Speaking generally, it may safely be said that in practice and in conventional theory it is the lawyers who determine what evidence shall be adduced and what shall not, what witnesses shall be called, which ones shall be put upon the stand, and what questions shall be asked of them. It is questionable whether the judge of his own accord may exclude evidence which the established rules of law do not admit if the lawyers for both parties desire its admission. In the absence of statute, the lawyer, not the judge, has the privilege of questioning the prospective jurors as to their fitness to serve in the case. It has even been held (though it is not the conventional rule) that while juries must accept the law as declared for them by the judge, the judge has no authority to declare the law except as it is written out for him by the lawyers in the case.

VI

One marked result of such judicial abdication is that American trials tend to become 'contests,' and that proceedings drag along to outrageous lengths.

In 1927, Daniel J. Graham was brought to trial for murder. He was a New York policeman who had been detailed to guard Judson Pratt, paymaster for a construction company, on pay days. Graham did guard Pratt and the money for several Saturdays. Then one pay day Pratt failed to appear at the paymaster's shed. Search revealed that he had been killed and

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his pay roll taken. His body was found in an automobile parked in the Bronx. Earlier in the day, witnesses had seen Graham driving that same car with a passenger whose hat was over his face and who was slumped down in the seat. Previously, while Graham was in the car, a sharp explosion had been heard coming from its direction. Part of Pratt's hat, blown away by a bullet, was found in the path of the automobile near where the explosion had occurred. Later Graham was seen to board an elevated train near the place where the abandoned automobile was found. Graham had been off duty on that Saturday, ostensibly on sick leave, although he admitted that he was not sick. He pretended to have gone to Albany, which was proved false. The bullet which killed Pratt was of the type used in Graham's revolver.

The day following the murder, Graham bought an automobile for which he paid $1650 in fifty-dollar bills. Something over $2000 of Pratt's pay roll had been in fifty-dollar bills. Later he bought $500 worth of jewelry and gave $900 to a woman friend. He 'loaned' five twenty-dollar bills to another friend, and gave $145 to a chorus girl. Before the murder, he had ordered the automobile, making a deposit of $25 and promising to pay the rest after Saturday. As a police officer his pay was small, and he had no other known source of income. He made no attempt at the trial to explain whence came his sudden access of wealth, but to the police, after his arrest, he said that an aunt had died and left it to him. This was proved false.

Such was the evidence which the state put in. The defendant offered no testimony, nor did he take the witness stand himself. The trial began on October 24, and the jury brought in a verdict of conviction on November 28. The printed record of testimony covers 1100 pages. Only about 30 per cent of this bulky record is taken up by the state's presentation; 70 per cent of it is cross-examination by the defendant's attorney. The comment of an experienced court official was, 'You see, Snitkin's got no defense; he is trying to work error into the record so as to get a reversal.'

The same year, 1927, the case of Mary O'Donoghue came up for trial in London. It was as heavily fraught with emotional potentialities as could well be imagined. The girl had come from Ireland to London so that her illegitimate baby might be born where friends would not learn of her disgrace. She worked as a hotel chambermaid until the day the child was born, with no help or sympathy and no medical attention until after the birth. For two weeks thereafter she was in a charity hospital. Then she and the child were set adrift in the streets of London. She had forty dollars, which she herself had saved, in her pocket, a two-weeks-old baby in her arms, no job and no friends. For three weeks she hunted work and cared for the child. Her health was bad. Abscesses formed in her breasts and burst; headaches were frequent; she could not afford a doctor's advice. Eventually she found a job, but lost it because no one would look after the baby while she was gone. Her money gave out. For two days she went without food. Then she killed the child.

There was no defense that could be made on the fact of the killing; Mary admitted that she had done it. But there was the possibility of building up an emotional reaction in her favor. Was not the crime really the fault of society in allowing such a situation to develop? The girl's mental state could have been expounded as 'emo-

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tional insanity.' Acquittal would have been guaranteed by an American criminal lawyer.

The defense which the English lawyer actually set up was 'puerperal insanity.' Under an English statute this would have reduced the grade of her crime from murder to manslaughter. No real attempt was made to move the jury through its emotions or to persuade it to a verdict of acquittal in violation of its oath, although as a matter of fact some of the jurors were brought to tears by the facts. The Crown presented its evidence simply and completely. The defense put the girl on the witness stand and had her tell her story. Medical experts were introduced by each side, who more or less agreed as to her actual mental state. The attorneys argued to the court as to whether that mental state could be considered 'puerperal insanity' within the meaning of the statute. The judge ruled that it could not — a ruling eventually approved by the appellate court. The case then went to the jury, which immediately agreed on a verdict of guilty.

The whole proceeding was begun and ended within a single day. In a straightforward, fair, and orderly trial, the girl was proved to be guilty, and to have had no legal excuse for her act. The jury recommended mercy, and the mitigating circumstances were taken into consideration in the treatment of Mary O'Donoghue after the conviction. The case was appealed on the ground that the judge's interpretation of the insanity statute was wrong, but no one thought of alleging scores of technical errors in the procedure, as the defense did in the Graham case.

This O'Donoghue case, fairly tried in one day, is reasonably typical of English trials. The Daniel Graham affair is probably representative of scores of proceedings in the United States. The *New York Times* characterized the three-weeks-long Snyder-Gray trial as 'a model murder trial,' with a 'swift and satisfactory conclusion,' 'very nearly a record for speed.' 'Speedy Jersey justice' required a three-day trial to convict George Yarrow of murdering a young girl by shooting her twice and strangling her with a piece of wire, despite the fact that Yarrow confessed the killing and said that he wanted to go to the chair, and his attorney confined his defense to the proposition that Yarrow's act was not premeditated. That other New Jersey trial which resulted in the amazing and irrational verdict that Willis Beach and Margaret Lilliendahl were guilty only of manslaughter lasted from November 28 to December 8. In Ohio it took weeks to get the jury's solemn, if ludicrous, verdict that George Remus was 'insane' when he killed his wife. Leo Brothers's conviction of the murder of Jake Lingle came only after two weeks of court procedure. (It was one year later before the conviction was affirmed and Brothers was sent to the penitentiary.) Michigan's conviction of State Representative Chester A. Good for burglary necessitated sixteen days of trial. In New York the acquittal of Greco and Carillo required two weeks. The Hall-Mills case went on through twenty-three days. The 'Hamtramck Vice' trial, resulting in conviction, lasted seven weeks. The Loeb-Leopold affair, which was not a trial at all, but merely a hearing to enable the judge to determine what sentence he would impose, dragged along for thirty-three days.

An interminable list of other lengthy American trials might be compiled, while the English records would furnish scarcely one. It is not true, of course, that all American trials are unduly long; many of them are expeditious

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enough. But it is the long ones, the Graham and Snyder-Gray and Remus affairs, which truly represent the spirit of American trial practice.

VII

That the situation should be remedied if possible is incontrovertible. The 'sporting' trial does not conduce to truth and justice. There is no evidence that a month-long American trial more properly protects the innocent or more surely reveals the truth than does the prompt and expeditious English procedure. Neither is it demonstrable that our more rigid adherence to procedural rules facilitates more accurate results. Indeed, one of the criticisms of the Sacco-Vanzetti case was precisely that justice had not been done, and truth had not been ascertained, despite the Supreme Court's finding that the rules of trial procedure had been strictly adhered to in every particular. On the other hand, insistence upon the sanctity of rule, despite the justice and truth of the particular case, is obviously injurious to the end which the criminal law purports to accomplish.

The laws of England and the United States are essentially similar. If one has fallen into a practice which is inferior to that of the other, the fault — and the remedy — lies in the men who administer the laws.

In the words of one, himself a judge: 'Should the judge be a mere umpire between skilled lawyers, or should he guide the trial of the case? Should he remain silent when lawyers depart from the issues, or should he bring them back to the case without waiting for the other side to object? Should he remain silent when a lawyer does not bring out what a witness knows, or should he by proper questions bring the facts to the attention of the jury? Should he assist the jury in sifting out the material evidence, or should he give a colorless charge, which contains general propositions of law? In England the judge tries the case, the lawyers assist. In Ohio the lawyers try the case, the judge sometimes does no more than to preserve order, and sometimes not even that.'

Alteration of the situation is not likely to come from within the legal profession itself. Nor is it probable that American trial lawyers will readily approve the more effective use of power by trial judges. Indeed, real improvement is scarcely conceivable until such time as judges themselves are so independent of political favor as to dare to use the power they fundamentally possess, and are of such character that the public will dare to support them in its use. Trial judges could be the dominant factors in every aspect of the court proceedings; they can influence materially the speed, the efficacy, the accuracy, and the reality of criminal justice. Occasional judges, outstanding against the conventional judicial background, have shown what can be done in the fair, dignified, expeditious administration of justice. But no one judge, nor occasional scattered units of the judiciary, can accomplish permanent or completely effective improvement.

The gravest defects in the administration of criminal law could be remedied by a dependable judiciary, entrusted with power, trusting themselves with it, and fearless in using it for the ends of justice. But that consummation cannot even be hoped for until some scheme of permanent tenure is developed which will lift judges above the paralyzing necessity of constantly considering the political effect of their every action.

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THE STOCK MARKET AND THE PUBLIC

BY N. R. DANIELIAN

I

'If we are to have progress,' said the president of the New York Stock Exchange, 'we must depend upon the speculator to finance the risks involved. Speculation is in fact the price of progress. We may condemn the occasional excesses of speculation, we may censure its wastefulness, but we cannot ignore the fact that the willingness to take large risks for large possible profits has changed this country from a wilderness to the wealthiest nation in the world.'

This official apology for speculation has not gone unchallenged. Senator Carter Glass considers most speculation in securities as in the nature of pure gambling. And the extreme leftists think of the security exchanges as 'hope chests' of public poverty, and of speculation as an approved method of spoliation.

'You brought this country to the greatest panic in human history!' — at a Senate committee hearing last year former Senator Brookhart hurled the categorical assertion at an important officer of the New York Stock Exchange. 'There never was such an economic failure in the history of mankind as your outfit has brought upon us at this time, and it is due to this same speculation that you are defending here more than any other one thing.'

This critical attitude, as well as the facts that give rise to it, is not at all new. 'The general cry against stock jobbing has been such,' wrote a commentator on the stock market in London over two hundred years ago, 'and people have been so long and so justly complaining of it as a public nuisance, and, which is still worse, have complained so long without a remedy, that the jobbers, hardened in crime, are at last come to exceed all bounds, and now, if ever, sleeping justice will awake, and take some notice of them, and if it should not now, yet the diligent creatures are so steady to themselves, that they will, some time or other, make it absolutely necessary to the government to demolish them.' This pamphlet, 'proving that scandalous trade, as it is now carried on, to be knavish in its private practice and treason in its public,' was written in 1719, a year before the bursting of the South Sea Bubble, the greatest example of speculation in English financial history. The author of the pamphlet was Daniel Defoe.

To-day, popular interest in security markets is again running high, and political criticism threatens to reach a climax in legislative action. In view of the inevitability of corrective action, it may be useful to consider critically the functions of security markets, and particularly those activities which are not in the public interest. Incidentally we may, at the end of this discussion, determine where the truth lies between

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the extreme points of view expressed by Mr. Richard Whitney and Senator Glass.

II

Stock exchanges are pure market places, associations of traders who band together to buy and sell securities under stipulated rules and regulations. These markets have three important functions. The first is to provide an open market where people can dispose of or acquire stocks and bonds. This is a legal right inherent in the sovereignty that goes with private ownership of property.

Second, security markets are places where people can buy income. This is called investment. Capital employed in productive enterprise creates an income (most of the time) payable to him who holds title thereto. The reasons for this lie in the scarcity of savings relative to demand, and in the increased productive effectiveness of capital in the form of such things as factories and mac[illegible] Security exchanges, where tit[illegible]h capital, or claims against it[illegible], provide a convenient place [illegible]e who possesses funds can [illegible] participation in the annual ea[illegible]gs of industry.

Third, stock exchanges act as channels for the flow of savings into different industries. In other words, they aid the financing of productive enterprises by the issuance and sale of new shares of stocks and bonds.

This brings us to the question of speculation. In the early days of stock markets, the sales and purchases of securities did not represent original financing, but the exercise of a right of private property — that is, the right to dispose of, or to acquire, assets. To people who were not disinclined to take risks, this gave an opportunity to stake funds on securities with the hope of making gains from the variation of price, distinguished from the earnings of the underlying property. Dealings undertaken with this motive are called speculation.

No one has ever seriously maintained that speculation is its own justification, or that it is the primary function of stock markets. To be sure, its benefits have been publicized, its necessity stoutly defended. And, in view of what has been said about the right of disposal of private property, speculation may even be considered inevitable. But that it is the primary justification for security markets no one has dared maintain. 'The stock exchange's prime function is to maintain a market after the distribution [of securities] has taken place,' said the president of the New York Stock Exchange to a Senate committee, 'or to affect distribution in the way of speculation, as has often occurred.'

III

How have these functions operated? Through the listing of new shares of securities on the stock exchanges and their slow distribution into the hands of ultimate investors, security markets have acted as a channel through which capital flows into industry. Naturally, the national well-being demands that the annual savings of the people shall flow into the most deserving industries; that the country shall get equal value of productivity for equal amounts of savings placed in different businesses. However, certain practices have been developed in stock exchanges which militate against the realization of such a desirable distribution of funds. Of these, two are particularly objectionable: first, the manipulation of a stock on the exchanges by the issuing corporation, its bankers, syndicates, or individuals interested in the sale of the stock; second, the dissemination of favorable false rumors and news

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items to attract the investing public. Both of these methods are deplorable because they cause the investor's savings to flow into certain enterprises under false impressions of their merits. Society naturally loses in potential wealth by such misguidance of capital.

The operations of the Cities Service Securities Company from 1927 to 1929 illustrate how financing may be fostered by ignorance and illusion. The Cities Service Securities Company was incorporated in Delaware in April 1927, to take over from Henry L. Doherty & Co. the functions of Fiscal Agent which the latter performed for Cities Service Company. The Securities Company had no paid organization of its own; the staff of Henry L. Doherty & Co. did the work for it. Its chief function has been variously designated as 'providing a ready resale market for securities,' 'facilitating the marketing of securities,' 'supervising the market,' and 'sole handling of the market' for securities. A generic term for this function is 'sponsoring,' which was most actively performed during those periods when new original issues of securities of the Cities Service Company and its subsidiaries were being marketed by banking syndicates and distributing groups, or when preparation was being made for the issuance of such new shares. The Securities Company's efforts might be described as an attempt to make the security in question attractive to the public by keeping up live activity on the Curb Exchange.

From April 1, 1927, to the end of the year the Securities Company, in the performance of its sponsorship, spent $45,851,000 in purchasing 936,104 shares of Cities Service Company common stock. During the same period it sold 938,910 shares for $45,880,759.38. The purchases amounted to 92.4 per cent of the total number of Cities Service common shares traded in on the New York Curb Exchange at this time, and they exceeded the number so traded in during four of the nine months. This could happen because a good many shares were bought or sold 'over the counter,' though such transactions outside the Curb Exchange did not exceed one sixth of the total. Again, during the nine months from January through September, in 1928, the Cities Service Securities Company purchased a total of 1,451,890 shares, which fell short of the total number of shares of this stock traded on the Curb Exchange by only 18,810 shares, or by less than 1.3 per cent. During the same period the Company sold a total of 1,869,254 shares, having thus succeeded in disposing of over four hundred thousand shares more than it purchased.

Thereafter the zeal of the Securities Company in 'sponsoring' Cities Service stock increased in tune with the speculative boom. In the eleven months from November 1, 1928, to October 5, 1929, the Doherty Manager[illegible]ating as agents for Cities Service Securities Company, spe[illegible] 248.77 in purchasing, mostly on the Curb Exchange, the equivalent of 12,071,692 no-par shares of Cities Service Company common stock (having split the stock four for one in April 1929). These purchases amounted to approximately 73.5 per cent of transactions in Cities Service common stock on the Curb Exchange; the figures, therefore, indicate increased public participation in buying. These twelve million shares of acquired stock and many millions more were concurrently sold during those eleven months. As a result the Cities Service Company was able to dispose of 5,763,850 additional shares of the new no-par stock.

Now the Cities Service Securities

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Company is a wholly owned subsidiary of Cities Service Company. Therefore its transactions in the latter's common stock were in effect the same as if Cities Service Company operated in its own shares. This is objectionable enough. In addition, these activities were less in the nature of distributing new stock to investors through the Curb Exchange than in the nature of window dressing, to which the eight hundred odd securities salesmen of Henry L. Doherty & Co. could point as an assurance of the value of the stock. And who determined that value? Not investors, not speculators, but Cities Service Company itself, through its subsidiary. Such valuation of the stock on the exchange is not an expression of investors' or speculators' collective judgment as to the present and future promise of the Company; it ·resses nothing more than the de- ·he interested parties to obtain as ·oney as possible from the in- ·e they the best judges of · their company in com- ·other avenues of invest- · question is to answer it. ges of free play in the and the demand for savings, as a proper method of evaluation of present capital and future accretions, are atrophied by such machinations.[1]

[1] In an announcement issued on July 26, 1933, Henry L. Doherty & Co. declared that it would no longer undertake the distribution of Cities Service Company securities. An 'independent' company, it was said, was to be organized by the employees of Henry L. Doherty & Co. to carry on that business in conformity with the Securities Act. However, the Company stated (as reported in the *New York Times*): 'This action will in no wise interfere with the widespread trading in the issues of the Cities Service Company and its subsidiaries on the various exchanges, and the continued interest of dealers in these markets.' The *Times* also reported that Henry L. Doherty & Co. 'still believed the method of distribution to be sound.' — AUTHOR

IV

Along with manipulation of markets, overexuberant publicity has been another factor which has distorted the judgment of innocent investors, and hence has caused wastage of savings. Such operations are perhaps best exemplified in the Indian Motorcycle Co. episode. In the latter part of 1929 the company was in financial difficulties. Then a broker and an independent speculator became interested in the stock. Until December 1929, the capital stock consisted of 100,000 shares. On December 19, 1929, the promoters agreed to take 40,000 new shares at $5.00 each. On December 26, these additional shares were listed on the New York Stock Exchange. Later 60,000 additional shares were so taken.

Then the systematic attack upon the gullibility of investors began with full force. The methods employed were twofold: creation of extraordinary activity in the stock on the Board, and paid publicity of fanciful facts whose deviation from the truth was a measure of the promoters' zeal, though at this time the Company was on the verge of bankruptcy, and the promoter who floated the 100,000 shares knew it.

This, however, did not daunt the faith of the broker and the speculator. They paid approximately $26,000 to conduct a high-powered favorable news campaign in which quite a few daily news and financial journals, no doubt unwittingly, were used as channels through which Indian Motorcycle was effectively extolled. The promoters usually reprinted these news items and circularized their brokerage customers. 'Orders 65 per cent ahead of business a year ago,' 'Indian Motorcycle outlook improved,' 'Good proposition for further substantial advance' — these headlines indicate the tenor of the news they sponsored. They even used

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night letters in some instances, where the sales resistance of prospective purchasers of stock gave signs of yielding.

This publicity laid the foundation of their successful operations. But the *pièce de résistance* of the stunt came from London. From a well-known English motor manufacturer they purchased 'an air motor which had never been developed, that was simply not even in the blue-print stage,' though a patent had been taken on it. A story in the *Daily Mail* of London (February 1, 1930) — 'British oil motor engine, fire risk banished, can transport safely and cheaply' — was then photostated, reproduced in this country, and widely circularized.

The effectiveness of these methods can be judged by the 'development' of the market. During the week ending January 4, 1930, there were 4700 shares of Indian traded in, at between $4.00 and $6.00 per share. The following week the stock went up to 7½ a share, and 7800 shares changed hands. For the week ending February 22, the figures were 37,400 shares, 10⅝ high, 8⅞ low. In the next six days there was a flourish in Indian, with 130,300 shares traded between a high of 14 and a low of 9½. The acme of Indian activity was reached during the six days to March 8, with 155,400 shares changing hands, and the price bobbing up and down between a high of 17 and a low of 9. From then on there was a slow but continuous falling off, both in activity and in price, until the week ending June 28, when 3100 shares were sold at around 5. (Facts taken from the *New York Times*.)

Thus in six months things settled back to the placid conditions from which they started. During the course of this sponsorship the promoters sold at a profit not only the original subscription of 40,000 shares, but 60,000 more. The results of these operations were: (1) the Indian Motorcycle Company obtained $500,000 of new capital; (2) the promoters made a profit through the boosting of the stock all out of line with current merit or future prospects; and (3) the investors were stuck with the securities, for later the company had to be reorganized.

The exploits of Cities Service Securities Co. and of Indian Motorcycle Co. are only two instances of the many which could be cited. The evidence shows that, on occasion, stock markets *have* acted defectively, and have been used to ill advantage in guiding the flow of capital. What reasonable economic justification is there for artificial market activity created by the sellers of securities and for all the paraphernalia of paid propaganda? One of the basic principles of contractual capitalism — conscious and deliberate choice — is satirized by such interested sponsorship of securities. The illusion of and riches so created become temporary lure to misguid Through such illusion inv to voluntary coöperatio allocation of capital. An not long before the lustre

V

The facts which have been given here do not bolster the argument that stock exchanges are efficient channels of financing the country's ever-expanding industry. A similar disappointment is experienced in viewing the theoretical principles and practical manifestations of speculation. Some of the claims made for speculation are obviously exaggerated. When it is proclaimed that the country owes its grandeur to speculation, — to the willingness to take risks and to make funds available for the development of industry, — it must be remembered that nothing of the sort happens if the spec-

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ulation is concerned with an old, long-outstanding stock. In this case the money involved does not directly reach the industry whose stock is being dealt in. Industry obtains capital, not from speculators in old issues, but from buyers of new issues, whether they buy them for investment or for capital appreciation. In fact, dealing in old issues with the sole purpose of making capital gains from the rise or fall of prices may properly be called 'pure' speculation. And here the beneficial influence of the stock market is restricted to (*a*) evaluation of capital securities and the consequent establishment of a rate of return at which industry can procure additional capital in the future, (*b*) the adjustment of market value to 'intrinsic value,' whatever that may be, and (*c*) stabilization of security prices.

Without considering these derivative benefits in detail, one might raise some pertinent questions, the answers to which would probably show that our indulgence toward speculation in old securities is misplaced. In regard to evaluation of capital securities, why should not the demand of savers for investment securities be sufficient to bring about a proper price for capital stock?

In fact, it would seem desirable to confine the process of evaluation of capital and the determination of the acceptable rate of earnings to the real investors who provide the bulk of savings, and whose activities on the market, therefore, are really indicative of attempts at an adjustment of the supply of savings to the earnings of capital. As for the adjustment of market price to 'intrinsic value,' aside from the difficulty that no one knows what this term connotes, most speculators are not interested in it and not averse to deviating from it.

There is little need to disprove the assertion that speculation stabilizes market fluctuations. It is obviously not the speculators' purpose to effect this, for speculators do their best to upset any balanced condition. Furthermore, the psychological reactions in the market are such that a price movement becomes cumulatively accentuated; margin trading, considered so essential to speculation, tends to assist this tendency, quickening the movement in one direction, and intensifying the inevitable reaction because of the process of 'squeezing' margin accounts. The recent regulations laid down to govern margin requirements are a recognition of this fact.

Though there is legitimate doubt as to the necessity and usefulness of speculation in old issues of stocks, the situation perhaps would not be so bad if speculators based their activities only upon prognostications of future trends of the market or of particular securities. It is only when their decisions are correct in better than 50 per cent of their commitments that they stand to make money. However, faced with the challenge of a changeable world, professional speculators have proved more modest about their faculty of judgment than the general public. By bringing about desired changes through the operations of pools and syndicates, or by getting inside information through collaboration with corporate officers before such news is made public, they have thus improved upon their ability to escape the laws of chance.

Such pools employ several different methods. First and foremost, they create excessive activity in a given security by concurrent purchases and sales, some of which have all the aspects and effects of wash sales. In the second place, they often take into the syndicate the specialists in the stock in which they are interested, who possess the so-called 'specialist's book' which indi-

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cates the condition of demand and supply of that particular stock at prices above or below the then prevailing market quotations. And, finally, they often resort to organized and paid publicity over the radio or in the news columns of newspapers in order to convince the public that their stock is an unmistakably desirable one for investment. Thus they see to it that the market moves in the desired direction. To the extent that these conditions are true, whatever the merits of the theoretical arguments in defense of speculation, the rationalization remains absolutely unconvincing in face of the facts.

VI

The pool entitled 'Radio Corporation of America Common Stock Syndicate,' which operated in March 1929, illustrates clearly the type of speculative transactions which give the operators better than a 50 per cent chance of gain, based not on superior analytical faculty, but on power acquired by the use of methods not available to ordinary investors or outside speculators. On March 7, 1929, a circular, marked 'Private and Confidential,' was issued by a brokerage firm and sent to prospective participants who were then quite prominent in American business. The circular carried the signatures of two widely known speculators, who were designated as 'syndicate managers.' The stock exchange firm initiating the pool was the specialist in Radio stock. This means that the firm, or the partner actually on the floor of the exchange, possessed the specialist's book. Therefore a member of the firm knew what the probable reaction would be, in view of the accumulated buy and sell orders above and below the market price, if a movement were started one way or the other. It is a rule of the New York Stock Exchange that the condition of the specialist's book cannot be divulged, it being considered confidential information.

And here is the interesting fact. The managers of the Syndicate, the two professional speculators, did not do any actual managing. At the time the pool operated (March 12 to 19, 1929), one of them was in Florida and the other in Europe. This left the brokerage firm, who were the specialists in Radio, on the ground. One of the 'managers' later admitted that the senior partner in this firm actually ran the pool.

This syndicate bought (and sold) in the space of one week a total of approximately 1,493,400 shares of Radio common, or nearly 12 per cent of the then outstanding number of shares. From a low of 90 the day the pool began operations (Tuesday, March 12, 1929), the Radio stock was pushed up to a high of $109\frac{3}{4}$ on Saturday of that week. On Tuesday, March 19, the closing day of the pool, Radio common was back to a low of 95 and a high of $100\frac{1}{2}$. Four days later, March 23, its range was between $86\frac{3}{4}$ and $91\frac{7}{8}$. This programme in Radio netted its promoters $5,563,198.48.

The purchases and sales were concurrent. There were certain transactions between two of the participating brokerage houses which came perilously near to being pure wash sales in appearance; some of these sales were undoubtedly so in effect. The wives of the managers and participants appeared as independent traders dealing in Radio at the time of the pool operations, buying from and selling to the Syndicate. On March 12, the brokerage firm which was managing the pool sold 1000 shares of Radio at $92\frac{7}{8}$ from the Syndicate account to another brokerage firm which participated in the Syndicate. These shares were put in the name of the wife of the 'manager' who was then in Florida. Other shares

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were thus placed in her account. Later they were sold back to the Syndicate.

The 'manager,' back from Florida, had to explain some of his consort's speculative manœuvring. The following testimony before the Senate Committee on Banking and Currency is clouded in wording but clear in implication: —

Q. Now who handled your wife's account and gave orders as to the buying and selling while you were in Florida?

A. Well, that trade might have been put through by a clerk in the office.

Q. Well, who gave that clerk in the office instructions?

A. I don't know who gave those instructions.

Q. Well, who would? Who had the authority to?

A. A thousand shares — any clerk in the office there could have done that.

And continuing the same line of inquiry: —

Q. Your wife never gave any orders at all, did she?

A. No.

Q. She does n't know what it's all about, does she, except as she has learned it from you over the dinner table?

A. No; I did n't talk about it.

Q. What?

A. No; I did n't talk about it.

Q. No; I guess you did n't. Then she knows less about it. . . . Who would give orders to buy a thousand shares of stock for Mrs. —— ?

A. They might have a thousand shares in the air and say, 'Can you put this some place?' And the clerk says 'Yes.'

Q. What do you mean by 'a thousand shares in the air'?

A. A thousand shares that they bought that somebody don't own, or a thousand shares sold — I don't know which it was — and they would say, 'Have you got some place to put it?' The clerk says 'Yes.' And put it in my wife's name.

These transactions were not considered wash sales because a change of ownership was recorded in each instance — though this circumstance appears to have been of small consequence in that later the same shares reverted to the original owners. Wash sales are not allowed by the rules of the New York Stock Exchange, but only a metaphysician could distinguish any difference in effect between wash sales and such activities as that described in this testimony.

Though there was a mild flourish of publicity in financial papers during the period in which the Radio pool was active, the best examples of sponsorship through publicity are found in cases where the pools or syndicates were interested in corporations with a small number of shares outstanding, which for that reason were amenable to manipulation. There were certain professional publicity men to whom the pools could resort. These men employed their own financial news sheets, or they hired speakers to talk over the radio under misleading titles, such as that of president of some research bureau, or they bought the services of regular financial reporters in metropolitan newspapers to boost the stocks in which corporate officers or a group of men organized in a pool might be interested. These publicity men received for their services cash and/or calls on blocks of stock at certain prices which they could sell at higher prices after their zealous efforts in interesting the outside public became successful; and of course they pocketed the difference as profit. The Senate Committee investigations have revealed innumerable instances of such interested sponsorship.

Here is the way one such publicity man testified under oath before the Senate Committee on Banking and Currency: —

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Q. So that the committee may understand the extent of your work, how many such operations would you have on hand at one particular time?

A. I had over thirty at one time. . . .

Q. And by whom would you be employed?

A. Pool operators. . . .

Q. Also by individual traders?

A. Yes.

Q. And also by pool operators who were members of brokerage firms and were operating pools for their own houses at the time; is n't that correct?

A. Yes, sir.

Such evidence shows that professional speculators use all possible methods to mould chance to their own purposes. Their flirtations with the future naturally leave the uninitiated suitors of fortune quite without hope.

VII

Besides attempting to create, through concerted action and publicity, the very changes that will make their commitments profitable, syndicates and pools obtain, whenever available, the coöperation of corporate officers and directors. Here is the testimony of a trader in a stock which was being manipulated by a syndicate: —

Q. At that time, your syndicate was being furnished with confidential information by [name of the president of a company] as to the earnings of the companies during the time your syndicate was operating, is that true?

A. That is true.

Q. From week to week?

A. That is true.

Q. In advance of the time the public got it?

A. That is true.

The cases are numerous where corporate officers and directors have taken advantage of their position, and of the confidential information that is available to them, in trading on stock exchanges to the detriment of outsiders. It has been revealed that officers of some of the most important corporations sold out their holdings early in 1930, only to buy them back again at lower prices; at the end of the transaction they emerged with as much stock as before, or more, plus a tidy cash profit reaching into millions, which represented the difference between sale and repurchase prices.

Such sales are usually made under cover. One method of covering up such abandonment of a sinking ship by its captain — for that is what it amounts to — is the so-called 'sale against the box.' Here the officer, instead of delivering his own stock, has his broker borrow the stock and sell it. Later, though he has the stock available for delivery, he goes into the market and covers his technically short position at a lower price. Other methods by which even the brokerage firms are kept ignorant as to who is selling or buying are to transfer shares in the name of dummies before delivery for sale, or to trade in the name of personal companies with all sorts of queer titles. These methods are used so that brokers and others 'would not be influenced by what we were doing.' Jonathan Swift's outpouring at the time of the South Sea Bubble describes this attitude of *sauve qui peut:* —

One fool may from another win,
  And then get off with money stored;
But, if a sharper once comes in,
  He throws it all, and sweeps the board.

As fishes on each other prey,
  The great ones swallowing up the small,
So fares it in the Southern Sea;
  The whale directors eat up all.

When stock is high, they come between,
  Making by second-hand their offers;
Then cunningly retire unseen,
  With each a million in his coffers.

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Each poor subscriber to the sea
Sinks down at once, and there he lies;
Directors fall as well as they,
Their fall is but a trick to rise.

In connection with one instance, where it was revealed that the president of a corporation had made between seven and nine million dollars in 1930 by selling his holdings at the beginning of the year and buying them back during the latter part after the company had passed the dividends, Senator Couzens focused attention on a point which ought to be solid food for thought:—

SENATOR COUZENS: May I ask Mr. —— whether he thinks it is ethical for an officer of a large corporation like his, with such a large amount of outstanding stock, to trade back and forward in the stock of his own corporation?

MR. ——: I think personally that it is ethical and helpful.

SENATOR COUZENS: Helpful to what?

MR. ——: I did not trade back and forth. It is ethical and helpful to buy and sell at different times. I don't think it is ethical to trade back and forth, but buy and sell.

SENATOR COUZENS: Does not the record show that you bought and sold nearly every month?

MR. ——: No. We sold during the months of February, March, and the first part of the year [1930], and bought back the last part of the year.

CHAIRMAN (SENATOR NORBECK): You sold at 64 and bought back at 15. That is your testimony.

SENATOR COUZENS: Why certainly. Mr. —— seems to think that is all right, and I just want to get before this committee what are the ideals and the standards of some of these large corporation officeholders with respect to these matters. Mr. —— says under oath that he thinks that is a perfectly proper standard to buy and sell the stocks of his own corporation and affect the market, as was done in this case undoubtedly. And he also apparently thinks that that would be perfectly all right for any other officer or director of any other corporation in which he was a silent partner.

VIII

Senator Couzens strikes a note which is beginning to develop into a tragic theme. The lack of responsibility that has been revealed among a few men holding high positions in large public corporations threatens to arouse the popular ire to such an extent that it may upset the cart that has hitherto fetched golden apples. Social mistakes have a habit of striking back like a boomerang. And the intensity of the reactions is commensurate with the excesses of which they are born. One likes to think, however, that the cases of conscious wrongdoing which have interrupted the smooth workings of the machinery for distributing the capital of the country are examples not so much of greed and malice as of ignorance of the social importance of individual acts. One likes to think that it is unduly severe to believe what Hamlet expressed in a moment of dejection: 'To be honest, as this world goes, is to be one man picked out of ten thousand.' Usually, however, more harm is done by adhering to and defending wrong theories than by willful disregard of established rules.

It is a quality of vice and virtue, is it not, that their possessors are utterly oblivious of them? It is because of this that some capitalistic institutions have occasionally to be salvaged from the excessive zeal of their own active practitioners.

The foregoing discussion of stock-market practices has been less concerned with the social implication of *motives* than with the economic effects of given *activities*. Instead of presenting a doleful tale of individual defections, the theories and facts relative to stock-exchange practices have been considered. My conclusions will naturally be challenged, for ''t is with our judg-

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ments as our watches, — none go just alike, yet each believes his own.'

What remedies are there for the imperfect workings of the security exchanges? Whether such objectionable practices in the flotation of original issues of stock as this paper has touched upon will be repeated in the future will depend on how effectively the Securities Act of 1933 is applied. In Section 4 of the Act certain transactions are exempted from its application. Among these are: '(1) Transactions by any person other than an issuer, underwriter, or dealer. . . . Transactions by a dealer (including an underwriter no longer acting as an underwriter in respect of the security involved in the transaction), *except transactions within a year after the last date upon which the security was bona fide offered to the public by the issuer or by or through an underwriter* . . . and except transactions as to securities constituting the whole or a part of an unsold allotment to or subscription by such dealer as a participant in the distribution of such securities by the issuer or by or through an underwriter. (2) Brokers' transactions, executed upon customers' orders on any exchange or in the open or counter market, *but not the solicitation of such orders*.'

Juridic interpretation of the law will determine whether the exceptions to exempted transactions as cited above will be sufficient to safeguard the public against manipulation of security prices and exaggerated publicity, particularly such publicity as is given in the form of news rather than in advertisements. The success of regulation under this Act will depend in great measure on the strictness of the legal definitions of such terms as 'transactions,' 'dealer,' 'unsold allotment,' 'solicitation.' This section of the Act, as well as others, makes it abundantly possible for the intent of the law to be evaded, but the legal profession possesses sufficient resourcefulness not to need any prompting in these pages.

Speculation by corporate officers in their own securities is difficult to correct. The right to acquire and to dispose of property cannot be denied to any group of individuals just because they hold corporate positions. It is not the mere exercise of this right, but the motives and circumstances under which it takes place, that often prove detrimental to the unsuspecting public. Publicity of holdings and of transactions by officers and directors in the securities of companies with which they are connected is really the only possible solution of the problem. This, however, is subject to two grave limitations. The first is the abhorrence of publicity with regard to personal matters which is a part of the social tradition in America. But wherever there is a private motive to hide there may be a public necessity to disclose. The second difficulty is more important; namely, the impossibility of defining a personality clearly enough to apply the law without possibility of evasion. If publicity is required of the dealings of officers, what of the speculative proclivities of their consorts, or of some other relations or dummy corporations in whose name the officers or directors may do business?

The activities of pools and syndicates are somewhat easier to deal with. The questionable elements in pool operations consist of their sponsorship by brokerage houses, the participation of corporate officers, the employment of specialists and of publicity men, and the excessive trading back and forth with the intention of affecting the price of the stock in a given direction. The New York Stock Exchange has the authority, if it wishes to exercise it, to prevent brokerage houses and specialists from participating in pool operations. In certain rulings the

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Exchange promulgated early last August, generally considered so drastic, it only called for information about pools. What it plans to do with the information remains to be seen. But it must be realized that the exchanges cannot prevent outsiders from organizing a pool for the purpose of manipulating security prices.

A heavy tax upon capital gains made on quick turnover may be the best solution. This sort of tax is different from the one Senator Glass advocates. He would put a higher tax per share on sales of stock within a short period after purchase. A tax on capital gains resulting from quick turnover, as advocated here, would be levied only in case of gain, and would eliminate the motive of frenzied speculation without harming the real investor who may suddenly decide, after his purchase, that it would be better for him to sell and shift to some other security. Such investors would be able to reclaim their capital. And the *raison d'être* of pools which manipulate stocks would disappear.

In this way violent variations in price might be prevented. And the value of securities would come to represent more nearly the result of the impact of investors' savings on the sources of income — stocks and bonds. Furthermore, it would be unnecessary to attack the difficult problem of margin trading, since most of the urge would be removed by such a tax. The history of the regulation of margin trading does not lend encouragement to those who advocate a repetition of it. In 1697, in the reign of William III, an act was passed 'to restrain the number and ill practices of brokers and stock-jobbers,' which, among other things, declared all contracts in joint stock and exchequer tallies to be void which were not to be concluded within three days. This act expired by limitation in ten years and was repealed in 1867. Again, in 1733, under George II, another law, known as Sir John Bernard's Act, was passed 'to prevent the infamous practice of stock-jobbing.' This law declared void and illegal short selling and margin trading. It remained on the statute books 127 years, until it was repealed in 1860. But it was virtually a dead letter from the beginning.

'Sir John Bernard's Act was evaded in this way,' said a witness before the Royal Commission investigating the London Stock Exchange (1877): 'The Stock Exchange practically said to a candidate for membership, "We will admit you to our institution provided you subscribe to our bargains entered upon here, the law of the land to the contrary notwithstanding."' Thus the unwillingness of the London Stock Exchange to abide by the law, and the absence of adequate machinery of enforcement, made the act ineffective. Even though similar handicaps might not be present to-day, there is one difficulty which the law cannot solve: it cannot effectively prevent people from borrowing on collateral of securities and turning around to use the proceeds for further speculative purchases of stocks, the Banking Act of 1933 notwithstanding. So perhaps the wisest course is to eliminate, as proposed here, the motive for excessive speculation, pool operations, and margin trading by making it difficult to make capital gains on quick turnover — say, within two or three months.

IX

This brief and imperfect study cannot be concluded without some reference to the speculative proclivities of the human animal. No matter what Congress does, it cannot prevent people from chasing rainbows. The desire to

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obtain wealth without producing it in some way is not only unsocial: it is as chimerical as perpetual motion. Obviously, everybody cannot emerge successfully from the scramble, yet each speculator, down to the smallest plunger, leads himself on with the hope that he will be luckier than the next fellow.

That stock exchanges are not royal roads to riches is implicit in the nature of speculative profits. Such capital gains, when realized, are chiseled out of the annual increment of savings that flow into the security markets. The source of speculative profits is therefore limited, and available only to the initiated few. Stocks represent future wealth, productive machinery that is used in manufacturing to produce goods. (Holding-company securities do so, if at all, derivatively.) The value of annual production is only a fraction of this industrial capital, and annual savings are a smaller part still. The attempt on the part of every holder of stocks to convert them into cash, or liquid capital, at some high price in order to realize capital gains is tantamount to attempting to convert the value of industrial wealth into presently available goods. It cannot be done. You cannot sell the accumulated labor of the past, embodied in industrial capital, or the promise of future consumable goods, represented by the same capital, for present liquid purchasing power or savings, which at best are equivalent only to a fraction of it.

So in the nature of the case the greater part of any appreciation in price is destined to remain a paper profit, and hence unrealizable. Some people, shrewder or in better command of the situation than others, take the jump on the rest, impinging upon the fund of savings. In view of these conditions, is it not quixotic for the uninitiated to match wits with the weird ways of 'legitimate' speculation? The speculatively inclined public might well remember the predicament of an old Galician soldier who, fighting in the War of Granada, received a wound in the head with an arrow. The surgeon said upon examination, 'You are a dead man; the arrow has pierced your brain.' The Galician said, 'Look again, for that is impossible.' The surgeon replied, 'It is so; I see it plain.' 'It cannot be,' said the Galician, 'for if I had any brain I should not have been here.'

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THE CONTRIBUTORS' CLUB

Psymple Psychology

How may we tell of our love
Without seeming odd and Victorian?
Mention the moon up above
Coolly, for sentiment's dated.
Name, as a passionless scientist mildly elated,
All the emotions that poets called burning and furious,
Proved by the modern neurologist only a curious
Synapse reaction.

Theories rule, and it's best
To be thoroughly skeptic and doubting;
Give each emotion a test;
Proceed on a rational basis.
Still, when you're taking a girl on an outing, your face is
Apt to be nearer her face than science endorses.
Moonlight is stronger than mind, and the primitive forces
Still have attraction!

'A Penny's Worth, Please'

Once upon a time, a penny was money. I know, because my mother, scandalized, said, 'Oh, but you *must n't* accept money from little boys.'

This was soon after my entrance into the world, as the world is represented by the first grade. The little boys were blond and angelic, with wide frilled collars over their woolen jackets, or they were shaggy-headed and bare of foot. They slipped their pennies into the hands of pigtailed little girls in white pinafores, or laid them, more or less anonymously, on their desks. How this custom was discovered at home I have forgotten, — certainly the penny's worth was always devoured at the first recess, — but I can imagine that perhaps an attack of indigestion was inquired into. 'What have you been eating?' 'Well, I had some stick candy.' 'And where did you get it?' . . . There could have been no question of a penny bestowed at home and not mentioned: any such largesse was received with whoops of joy, and the coin rubbed up, on the carpet, until it shone like gold. . . .

I remember, though, how I hated to refuse the next offering, and how little sense there seemed to be in the dictum of authority. If you took the penny, said 'Oh, thanks,' and with it slipped away to the corner grocery, you could buy what you liked. If you said, 'I can't take *money* from boys — Mother said so,' with all the implication you could put into the emphasis, then your persistent benefactor spent it, and brought you a crumpled paper bag, and your 'Oh, thanks, Willie,' was all too likely wasted. The bag, untwisted, was almost sure to reveal cinnamon drops, — a penny bought so many of them, — and cinnamon drops were nasty things, and by rational children used only externally, as mock rouge, or lip stick.

For our first teaching we went to the same building where our parents had learned to read and write. In their day the West End had not been exclusively Irish and Catholic; in ours, the children who lived in the neighborhood attended the parochial school, and the boys and girls of the public school walked there from streets some blocks to the east. For this reason its environs were strange to us, and the funny little shops, the cottages, the Catholic church, had no real existence in our minds: they were merely a painted back drop to our stage.

The one notable exception was Mrs. Feeney's store, just beyond the old-rag-iron-and-bottle yard next to the school. Built on a corner where two slanting streets came together at an acute angle, the store was shaped rather like a triangle with the apex cut off, with the door where the point should have been. Inside this door, the walls

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sloped away on either hand into a shadowed obscurity where a confusion of burlap sacks and large barrels loomed through the dusk. The crowded room was called a 'grocery,' and no doubt there were purchasers for the staples of life that were kept back there in the musty-smelling dark, but we never saw an adult in the place. For us it was an Aladdin's cave of delights. The candy counters were close to the door, where there was hardly room on one side of the glass cases for two or three small eager children, and on the other for buxom, black-haired Mrs. Feeney.

Mrs. Feeney was one of the fixed stars of our firmament. Whatever her private opinion of heretics, she was always friendly, always kind, always laughing, never impatient when her customer's choice was debated and delayed. We valued her approval above that of the teacher, and were honored when she called us by name. She sold all the penny candies that everyone now grown remembers as a part of his childhood. Hard flat peppermint hearts, or wintergreen, — white or pink, — with amorous mottoes printed on them in red letters. 'Lickrish' shoestrings, as long almost as we were, tough and flexible, strong-flavored, delicious, but not to be eaten without leaving their mark — externally on chin, cheek, and pinafore; internally . . . ! Licorice 'nigger babies,' not so violent and not so tasty, but amusing to play with, on one's desk, behind a *First Reader*. Red-and-white-striped peppermint balls, so hot that one sucked them open-mouthed for the exquisite coolness of air on the tongue, on the principle of Keats's cayenne-pepper-and-claret experiment. Candy corn, orange at the base and yellow-pointed, so cheap that a penny bought enough for the whole playground, but too insipid to be very popular. Round white balls of confectioner's sugar with hazelnuts (last year's) in the centre. All-day-suckers of every imaginable color and one universal flavor, or lack of it.

Over this wide choice we swayed back and forth — 'What 're you gonna get?' 'Well, what 're *you* gonna get?' — while pennies clutched in damp palms left there a coppery smell that lingered after the candy was gone. Generally, in the end, I bought some of Mrs. Feeney's chewing gum. She kept two kinds: real gum, which grew so stale on her shelves that it crumbled into dust in the mouth, and had to be collected and recollected by an active tongue until it could be chewed into one lump, and the windpipe was safe; and a gum made of paraffin, which was as tasteless as a wax candle after a moment's mastication had drawn the sugar out of it. It was this I bought — not because I liked it, which would have been impossible, but because with it, if lucky, one got a prize. On this gamble I often risked my money.

I must have drawn many of these prizes, but one only do I remember — a marble of glass, unflawed, untinted, that held in its centre the tiny silver figure of a boy. The silver must have been lead foil; the figure was shaped so crudely that the boy was without grace and featureless; yet I received the marble from Mrs. Feeney with speechless delight, and even in school that afternoon I kept my hand on it in my pocket, until its cool smoothness grew warm in my fingers and its crystalline clarity was frosted over with moisture. And my affection for it never wavered. In time its bright surface was dulled with nicks and scars, but it was not broken. Nor was it ever lost; to this day I know where it is in the attic. As a marble it was useless, — far too large, — but I would not have risked it in the hazards of a game had it been a 'champeen' taw.

It served me principally as an object of contemplation. Squatting cross-legged beside it on the floor, I corrected its tendency to roll and turn the little silver boy upside down or slanted tipsily sideways, while I made up stories about an enchanted fairy prince. If, in my moment of nethermost despair, I were to smash that marble and release him from the spell, he would grow by magic to life size, and be the perfect hero and deliverer. But I must be certain that this present unhappy hour was the most unhappy hour possible, for of course he could not twice deliver me. The marble was never smashed, but always reserved for some worse time. . . . If I did not really persuade myself that I believed this, at least the toy was a comfort in affliction, a solace, which had cost me a penny. Not

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that I considered that I had bought it: it was a prize, and prizes are not to be purchased, but are distributed by a kind Fate.

That was a long while ago, when to be six-years-old-with-a-penny-to-spend was very heaven. Who would of his own choice be six to-day? Not long ago I stood at a grocery counter next to a little girl who had a penny. For her money she could buy two caramels, wrapped hygienically in tin foil. Nothing else sold for less than five cents. She hesitated, disappointment and chagrin unconcealed in her face, and finally shook her head and went out. I did not blame her. A whole penny for two small pieces of candy? Hardly!

Since that morning I have looked here and there in the market place for licorice shoestrings, for peppermint hearts with amorous mottoes on them, for 'nigger babies' and cinnamon drops, and have not seen them. Even in these parlous times the penny has no value. We cannot correct our habit of thinking of money in terms of large amounts; the depression has profited the children nothing.

Mammy's Favorite Story

One spring evening, when the little girl had been put to bed just after dusk, she was startled by the eerie whimpering of screech owls in the big orange trees outside her window. Mammy had already drawn up her chair to its accustomed place beside the bed, and she began to speak reassuringly: —

Don't you be skeert, honey, er dem good-fer-nuttin' little squinch owls wot's hollerin' out dere. Dey cain't do you a speck er harm. Dey's born cowards, an' dey ain't fitten fer nuttin' in dis worl' 'cepen to make a pussun's flesh creep. Jes' shet yo' purty eyes, an' Mammy 'll tell you all 'bout de owls. No, chile, yo' Mammy ain't aimin' to go out er dis-yer room fer hours an' hours. Now lissen to Mammy.

'T was one er dem great big hawn-owls dat I start to tell you 'bout — 'bout how he tuck it into his haid to give a ball. 'T was long 'bout a mont' atter we-all's startin' sugar makin'. Nobody wuz studyin' yit 'bout puttin' de tuckeys up in de coops to fatten 'em fer Christmas, an' dat wuz how come Mr. Hawn-Owl got de chance to play dat trick on yo' gran'ma.

Well, sah, he comed over ev'y night, jes' as soon as 't was dark enough fer him to see, an' sot up in dat ol' tree by de stable, makin' out he wuz watchin' fer rats; but all de time he wuz twissin' his haid roun' to see w'ich way Mr. Tuckey-Gobbler wuz roostin'. An' befo' long he foun' out.

At las' he flewed over one night an' lighted in de puckorn tree in de back yard whar all de tuckeys wuz roostin', but dey did n't pay 'im no mind 'cause dey done got use' to seein' him 'bout de place. Den he drapped down on de limb whar Mr. Tuckey-Gobbler wuz, 'twixt him an' de trunk ob de tree, an' atter a while, w'en he see Mr. Tuckey-Gobbler wuz gone to sleep, he make out he feel sort er col' an' he edge up close to Mr. Tuckey-Gobbler. Mr. Tuckey-Gobbler he wake up an' holler, 'Quit, quit!' an' edge off a little ways. Putty soon Mr. Hawn-Owl he edge up ag'in, close to Mr. Tuckey-Gobbler, an' Mr. Tuckey-Gobbler he wake up an' holler, 'Quit, quit!' an' edge off ag'in. Mr. Hawn-Owl he kep' up doin' de same thing twell at las' Mr. Tuckey-Gobbler comed to de end ob de limb and falled off — flop!

Befo' he hit de groun', Mr. Hawn-Owl wuz on top er him an' done kill him dead as a do'nail. But w'en Mr. Hawn-Owl come to pick 'im up, he wuz so heavy dat Mr. Hawn-Owl had all he knowed how to do to git 'im as fur as de woods. At las', w'en he got to de big oak whar he lived, 't was mos' day, an' he wuz mighty glad to drap down on de groun' an' call to Mr. Possum, wot had he house in de holler ob de tree, to come an' git Mr. Tuckey-Gobbler an' pick de fedders offen 'im; 'cause Mr. Possum he got mighty neat little han's, an' dat wuz de barg'in dey had, dat ef Mr. Possum would pick all de chickens an' tuckeys wot Mr. Hawn-Owl cotch, he wuz to git all de bones fer his share.

Well, w'en he done sot Mr. Possum to wuck, Mr. Hawn-Owl he flewed up to de limb whar Mr. Squerl had he house, an' he say, 'Good mawnin', Mr. Squerl.'

Mr. Squerl he say, 'Is dat you, Mr. Hawn-Owl? Good mawnin'.' But he wuz

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mighty keerful not to show his haid out er de top er de nes', 'cause he don't trus' none er de owl fambly too fur, as he knowed ev'y las' one uv 'em like a tas'e er squerl meat now an' den. But de nex' minute he seed 'twarn't no use gittin' skeert, 'cause Mr. Hawn-Owl he say, 'Mr. Squerl, I jes' had de good luck to ketch me a mighty big fat tuckey, an' you kin have all de corn an' puckorns wot he got in he craw ef you's got de time to do me a favor.'

Mr. Hawn-Owl he say dat 'cause Mr. Squerl he allus ac' like he too busy to stan' still, an' is a-friskin' an' a-caperin' up dis tree an' up dat tree, an' down ag'in, all day long; but he mighty fon' er corn an' puckorns, so he say, 'Ob cos, Mr. Hawn-Owl, ob cos I'se willin' to 'blige you anyways I kin.'

So den Mr. Hawn-Owl say he want Mr. Squerl to frisk roun' troo de woods an' ax all he fren's to come de nex' day an' hab a dance an' git a tas'e ob de fattes', bigges' tuckey-gobbler wot been kilt dat year. An' den Mr. Hawn-Owl he flopped up to his roos' de bes' way he kin, fer 'twas broad day by dat time an' he wuz mos' blind, an' mighty sleepy.

Well, 'long 'bout two hours atter sunup, Mr. Possum wuz settin' down in de holler ob de tree pickin' an' a-pickin' de fedders off er Mr. Tuckey-Gobbler w'en 'long come Mr. Coon, sneakin' mighty easy. W'en he see wot Mr. Possum wuz a-doin', he stop, an' Mr. Possum he say to hisse'f, 'Yere's one er de company wot done come ahead er time,' so he sing out to Mr. Coon: —

'Oh, Mr. Coon,
You come too soon;
De ladies won't be yere
Till to-morrer arternoon.'

Dat make Mr. Coon sorter mad, as he nebber did hab no use fer Mr. Possum nohow, but he try to make out he wuz smilin', an' he say, perlite as he know how, he say, 'I come to see ef you could n't let me hab one ob dem tuckey foots, Mr. Possum. I knows all de bones b'longs to you.' But for answer Mr. Possum he jes' sing out, same as befo': —

'Oh, Mr. Coon,
You come too soon;
De ladies won't be yere
Till to-morrer arternoon.'

Well, sah, dat make Mr. Coon so mad he cain't hold onter hisse'f no longer. He jes' jump on Mr. Possum, an' start a-bitin' an' a-scratchin' like he would t'ar him to pieces. An' pore Mr. Possum he holler an' beg, 'Please lemme go, Mr. Coon! Please, sir, lemme go! I'll let you have yo' pick ob Mr. Tuckey-Gobbler's foots. You kin take de one you likes de bes'.'

So Mr. Coon tu'n him loose, an' Mr. Possum start into de house like he wuz goin' to git Mr. Tuckey-Gobbler; but 'stid er gittin' him, he jes' slip on his heavy boots an' buckle on a pair ob dese-yere great big army spurs, wid long prickers on 'em as sharp as needles. In a minute he come out singin' dat same song wot made Mr. Coon so dancin' mad fum de fust: —

'Oh, Mr. Coon,
You come too soon;
De ladies won't be yere
Till to-morrer arternoon.'

At dat Mr. Coon git as mad as fire, an' he start fer Mr. Possum to finish him up, but he don't know nuttin' 'bout de spurs. Mr. Possum wait fer him to come up, den he jes' jump all over him an' spur him in de back, in de sides, in de haid; an' ef Mr. Coon had n't hollered an' begged mighty quick, Mr. Possum would er made hash-meat outen him, sho'.

An' dat's how you ain't nebber see Mr. Coon a-tryin' to meddle wid Mr. Possum from dat day to dis, fer he ain't fergot dat turrible whuppin' Mr. Possum gib him 'bout Mr. Tuckey-Gobbler's foots.

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THE CONTRIBUTORS' COLUMN

No cloistered theorizer about the ex-soldiers, their rights and duties, **Roger Burlingame** ('Embattled Veterans: The Capture of Capitol Hill') is one of them. He served in the A. E. F. as First Lieutenant in the 308th Machine Gun Battalion and participated in the Meuse-Argonne offensive. And his patriotism is no less genuine in peace time than in war. Professionally, he is a novelist, but he also serves as Chairman of the Justice Committee of the American Veterans Association — an organization of 10,000 ex-service men whose platform is 'Justice to the war wounded, Justice to the war dead, Justice to the American people.' In preparing this paper, the first in a series of three, he has spent considerable time in Washington, collecting data and studying all the pertinent facts. For collateral reading, Mr. Burlingame's little book, *Peace Veterans*, published last year, is to be recommended. Δ Biographer, novelist, essayist, **André Maurois** ('A Word to Youth') is a versatile fellow with a double-edged purpose in life. Once again he has come to America as an unofficial ambassador of French culture. When at home, his rôle is to interpret the Anglo-Saxon mind to the Latin. **Alice Hamilton** ('Hitler Speaks') has recently returned from Germany, where she not only observed the Nazis in action, but also obtained an authoritative interpretation of what their movement portends by reading Hitler's book, *Mein Kampf*. Dr. Hamilton is Assistant Professor of Industrial Medicine at the Harvard Medical School.

In her last article, 'A Mother's Creed,' printed in the June *Atlantic*, **M. Beatrice Blankenship** laid down the principles she has arrived at in educating her three small sons. Fortunately, 't was a blanket code, amply broad enough to cover any number of boys, and another is now added by 'The Enduring Miracle.' **Burnham Carter** ('Cuba Libre') lived four years in Havana, until the spring of 1933, and has since been working with Ivy Lee in New York. He is the author of a novel, *Mortal Men*, issued in 1929. Δ Poet and teacher, **George Herbert Clarke** ('Halt and Parley') is Professor of English at Queen's University, Kingston, Canada. Δ If asked about his political philosophy, **W. Y. Elliott** ('This Economic Nationalism') might say that he is a twentieth-century son of the nineteenth-century Liberals. An ardent Tennessean, and one of the Fugitive group which came out of Vanderbilt University, he studied extensively in France, Germany, and Italy, and took his doctorate at Balliol College, Oxford. He holds a Professorship of Government at Harvard, and, in spite of his youth, has recently been made Chairman of the Department. His best-known book is probably *The Pragmatic Revolt in Politics*. Δ A contributor of multiple talents is **Llewelyn Powys** ('A Day on Dartmoor'). Long identified as a writer of charming books, he has also been a stock farmer in Kenya and a journalist in New York. His favorite recreation, he says, is 'walking in the open country,' and many have been the essays in which he has made contagious the delight of his peripatetic excursions.

> Grow old along with me!
> The best is yet to be . . .

So ends Flush, with 'A Cocker Recaptures His Youth.' The complete biography will be published this month by Harcourt, Brace, thus adding another title to **Virginia Woolf's** long list of distinguished books. **Curtis Billings** ('Traffic Crimes and Criminals') is a member of the staff of the Public Safety Division of the National Safety Council. Δ In his score or more of *Atlantic* papers, reaching back over a quarter of a century, **Charles D. Stewart** has revealed many sides of his original and inquiring mind. 'The Acrobatic Snake' is in the authentic tradition of his 'Chicago Spiders' (October 1908), 'The Bee's Knees' (July 1925), and 'Od's Fish' (May 1932). Δ Though still in her early twenties, **Josephine W. Johnson** ('Old Harry') has already published numerous short stories and verses. She attends Washington University, lives with her three

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sisters on a Missouri farm, and gives free rein to a twin talent for writing and for painting. Δ All his wandering life **James Norman Hall** has sought — and sometimes found — 'The Spirit of Place.' Perhaps that is why he has at last settled down in Tahiti, for one likes to hope that the missionaries and the traders have not yet driven out the gentle spirits who once presided over all the far places of the South Seas. His *Mutiny on the Bounty*, written in collaboration with Charles Nordhoff, is still listed among the best sellers. **John Barker Waite** ('Criminal Law in Action') is Professor of Criminal Law at the University of Michigan and a member of the American Law Institute's advisory committee on the Model Criminal Code. **N. R. Danielian** ('The Stock Market and the Public') is an instructor and tutor in economics at Harvard. His two previous articles, in the April and July issues, brought forth a wide response from every section of the country, and his present study is equally worthy of the thoughtful reader's attention.

* * *

Walter Lippmann on the stock market.

In connection with Mr. Danielian's paper in this issue, it is pertinent to quote these paragraphs from Walter Lippmann's column in the *New York Herald Tribune* of August 4: —

'In the little bull market which cracked up in the middle of July we learned that almost nothing had been learned from the great bull market which cracked up nearly four years ago. The speculative appetite was unimpaired. The efficiency of the Stock Exchange in catering to it was unchastened. We had the pools, the tips, the high-pressure salesmanship, the indiscriminate margin accounts, and all the other appurtenances which have made the American capital market the most feverish market of its kind in the civilized world. The money changers who, on March 4, were indeed in the temple, but on their knees praying, had been driven out and had resumed about where they left off some years ago. . . .

'The indubitable truth is that the Stock Exchange is more than a market place. It is a guild of brokerage houses who, in times of public participation, are for all practical purposes investment or speculative advisers to the owners of securities. The responsibilities of this relationship cannot be sloughed off. It is a fiduciary relationship, and therefore it has become imperative that the exchange, as a corporate body, should have standards and should enforce them, which will protect the public against rigging manipulation and ignorance. . . .

'The question is whether the exchange and the brokers who compose it will accept this obligation. If they will not, then the government will have to impose it from the outside. There is no other alternative. . . .

'My own conception is that the exchange has about six months in which to show what it can and will do by way of erecting new fiduciary standards and of organizing itself to enforce them. I say six months, because at the end of that time Congress will again be in session, and if the exchange is not demonstrably reformed by that time, it will be the duty of the administration to propose a plan of reform. Longer than that it is not possible to wait for convincing evidence of change, because, as recovery proceeds, the nation must not be subjected to the risk of a wild bull market like the one which, happily, has just been interrupted.'

'Lord Bishop of New York Central.'

Dear Atlantic, —

Just an unimportant correction. I am not Bishop of *Western* New York, but of *Central* New York. It will be easier to remember if I tell you that my English mail usually comes addressed to 'The Right Reverend the Lord Bishop of New York Central.' American friends are less formal. They say 'Hello, Central' — which shows that I antedate the dial system.

CHARLES FISKE
Ogunquit, Maine

Adventures of a one-man club.

Dear Atlantic, —

I have just read in the Contributors' Club of your July issue the essay entitled 'The Involuntary Borrowing of Books.' Some forty years ago I organized myself into a club with one member, drawn up in the form of a hollow square and standing at 'charge bayonets' — said club member refusing to read books that he did not want to read and abstaining from advising others what to read.

My education consists in the reading of three books, together with about ten years' supplementary reading which each of them made necessary. They are Boswell's *Life of Johnson*, Darwin's *Origin of Species*, and Frazer's *Golden Bough*.

Soon after reading the first of these, I was talking one evening to a group of young people and some familiar phrase was used. The question was asked where it came from.

'*Hamlet*,' I replied.

'You are mistaken,' said a young man sitting near me; 'it is from Shakespeare.'

I am a book collector, and prefer secondhand books that have been marked. My library is at the service of my friends. This morning a handsome widow asked me for something to read. 'You have so many books,' she said smilingly, 'I

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Prevent diphtheria from invading your home

No More Diphtheria

NOT so many years ago Diphtheria was the black enemy of childhood. All over the world it claimed a frightful toll. And the tragedy was that these countless victims were for the most part under five years of age, hardly more than babies. Usually it struck with deadly results without warning. And there was little one could do to fight it.

Then came Antitoxin. Children who received this treatment at once showed a better chance in their struggle for life. And the Diphtheria death rate was lowered. But Antitoxin is effective only after Diphtheria develops. It checks the progress of the disease—but it does not give lasting protection. Now comes a great triumph in medical science—the Toxin-Antitoxin Treatment for Diphtheria.

Today, eminent specialists state positively and definitely that through modern preventive treatment—

Diphtheria can be Stamped Out!

Some children are able to resist the germs of Diphtheria. Others are not. The wonderful discovery of Dr. Schick is simply this: it tells beyond doubt which children need protection. Which are susceptible and which are not. The Schick Test consists in giving the child a very mild test dose of the germs of Diphtheria. In a few days a trifle will appear where the injection was made, if the child is susceptible. If no spot appears, the child is immune.

November is Danger-Time

Diphtheria is especially prevalent in November. Hundreds of children are stricken then before the cold weather has begun in earnest. Health officials everywhere are sounding the warning. Don't delay another day. Protect your children at once. Send for booklet, "Diphtheria and Your Child," which explains the Toxin-Antitoxin Treatment for the attack of Diphtheria.

Children in hospitals [illegible] Schick Test. If they are to have Diphtheria, they can be given at once the Toxin-Antitoxin or Preventive Treatment. This treatment consists of three injections of Toxin-Antitoxin, one each week for three weeks.

The Schick Test does not make the child immune. Just as soon after the Toxin-Antitoxin Treatment there is evidence that both test and treatment are painless and harmless.

The Schick Message is that all mothers and fathers and all others who love children will help this great cause that has blasted out thousands and thousands of lives, can be wiped out. Children need not have Diphtheria. It can be prevented.

If you love them—Make them safe

Experienced Health Boards urge that you take your children at once to a physician and have them protected from this deadly scourge by means of the Toxin-Antitoxin Treatment. The couple who are introducing the Schick Test to the public, freely and most liberally distribute it. If your child brings home a request for your approval for the Test or the Toxin-Antitoxin treatment, don't hesitate to give permission.

Would you willingly permit a man to come on automobile upon a crowd of little children. Why then permit Diphtheria—unchecked—to mow them down?

Published by
METROPOLITAN LIFE INSURANCE COMPANY—NEW YORK
Biggest in the World, More Assets, More Policyholders, More Insurance in force, More new insurance each year

The message reproduced here, "No More Diphtheria," published in November 1923, contained facts unknown to a large majority of the people.

Many newspapers verified the statements and then, in the interest of local public welfare, reprinted the article in full in their news or editorial columns, or both. At the same time they urged local Boards of Health to see that every school child was protected from diphtheria. In 1923, the diphtheria death toll was about 13,500 in this country.

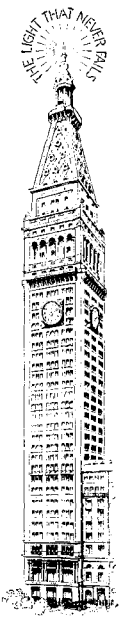
The facts about prevention of diphtheria were retold in 1926 when the death list was about 8,750; again in 1929 when it had dropped to about 8,000; and still again in 1931 when the mortality was about 6,000.

It is encouraging to report that last year about 8,000 fewer children died of the disease than in 1923. But the sad fact remains that in 1932, according to estimates, more than 5,000 children, most of them under five years of age, died from the disease.

Your doctor will tell you that the toxin-antitoxin inoculation against diphtheria is extremely simple and is neither painful nor dangerous. It leaves no scar and it gives sure protection from a disease against which, not many years ago, the science of medicine had found no defense.

If all the boys and girls in the country, more than six months of age, are inoculated now—and if in the future all babies are inoculated as soon as they are six months old—the death-rate from diphtheria will fall close to zero, and the promise made ten years ago "No More Diphtheria" will be fulfilled.

Metropolitan Life Insurance Company will gladly mail, free, its booklet "Diphtheria and Your Child." Address Booklet Dept. 1033-T.



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suppose you have all of Augusta Evans's works.'

'Nothing by Augusta Evans,' I replied, 'but I have three broken sets of the works of Mary Ann Evans.'

'I never heard of her,' said the lady.

'How about George Eliot?' I asked.

'I don't like him at all,' she replied.

BENJAMIN K. HAYS
Oxford, North Carolina

In honor of Lafcadio Hearn.

Veteran readers of the *Atlantic* have good reason to recall a living debt of gratitude to the most understanding of all interpreters of Japan to the West — Lafcadio Hearn. Now comes a chance to make at least an acknowledgment of it, for, in honor of his memory, the Japanese are creating at Matsuye, where Hearn first taught in a Japanese school and began his married life with his Japanese wife, a small fireproof museum. Here his manuscripts, and various intimate and interesting relics of his singular life, will be housed, so that there may be a place of pilgrimage for his debtors the world over, and especially for Americans. The cost will involve the very modest outlay of 5000 yen, and subscriptions, however small, will be gratefully acknowledged if sent to the Treasurer of the Committee, 25 Kitayamabushicho, Ushigome, Tokyo, Japan.

Homely remedies in the South.

Dear Atlantic, —

What a host of memories came crowding in upon me as I read Mary Ellen Chase's delightful article in the June issue, '"She's Had the Doctor."' Most of the remedies she speaks of as common throughout New England were also well known to us here in the South.

Besides 'the syrups of wild cherry bark and white pine balsam' liberally administered for coughs, we also had a special cure for paroxysms of coughing at night. By the bed would be placed a tumbler containing 'rock and rye,' — diluted rye whiskey poured over the clear sugar crystals of rock candy, — and no one in our staidly respectable Presbyterian household ever considered it 'sinful' or 'liable to bring us in sorrow to a drunkard's grave.'

Superstition played its delightful part with us even more than it did in New England. When I was a child I had on my left hand a large, ugly wart. I was told to 'pick it until the blood came,' which I did, and the blood was smeared on a clean piece of writing paper, which was then placed in an envelope and sealed. This I addressed with great care, for I was just learning to write, and with great caution, for it was supposed to be done secretly, to a 'Mr. John Jones' — a purely fictitious person. I was thereupon instructed to walk down the hill and, when no one was looking, to drop the letter. The first unwary passer-by who discovered the sealed envelope and opened it was supposed in some mysterious fashion to receive my wart from the bloodstained bit of paper. I do not know what happened to the 'party of the second part,' but I can testify that the wart gradually disappeared from my hand.

Our Negro mammy helped my younger sister remove warts by a different method. A 'slab of salt pork' was *stolen*, was rubbed over my sister's thumb, and was then hidden under a large stone in the garden. The warts disappeared, but whether the healing agency was the pork itself, its stolen qualities, or the supposed secrecy of the hiding place, I cannot say.

MARY E. K. BRATTON
Lynchburg, Virginia

Economic echoes in the South Seas.

Dear Atlantic, —

Following on the financial crisis in the United States, I was informed by the bank with which I deal that it had suspended the issue of drafts on the United States. I am therefore precluded from sending my subscription for three years ($8.00) as I intended. Fortunately, I have been able to secure two $1.00 notes, which I enclose to keep my subscription coming until such time as I am permitted to send the remaining $6.00.

Surely the money barons have made an unholy mess of what should be a prosperous world. Consider this little colony. We are in the unique position of having surplus funds invested by the Crown Agents in London in the stocks of other colonies, and also possess a gold reserve. These investments and the gold serve as the cover of a note issue by our government. The limit of issue is well within the safety line in ordinary times.

The colony has just cut and crushed its record sugar crop. The farmers are mostly East Indians. These, in accordance with their hereditary instincts, instead of returning the notes to the banks, hoarded them (gold has long ceased to be part of our circulating medium) — with the result that a shortage of currency supervened. The banks approached the government for more notes, and were told that they could have more notes if they deposited gold. This was equivalent to asking them to deposit the Rock of Cashel. But to enable the sugar crop to be financed, currency was indispensable, so our colony established a connection with the New Zealand system, just at the time when that Dominion, with the object of relief to its agricultural industry, determined on inflation. This was done by increasing the bank rate of exchange to 25 per cent. So at one fell swoop our money, compared with sterling, slumped to three fourths of its previous value. I wonder where the other fourth has gone, and who is now the possessor of it.

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